

31.05.2021
Court No.28
Item No. 40
Sn/srm
Rejected

CRM 2303 of 2021
(Via video Conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure;

And

In Re : **Abul Hossain @ Abul Hossain Sekh & Anr.**

Petitioners

Mr. Sanjib Kumar Dan

Mr. Saryati Dutta

For the Petitioners

Mr. Madhusudan Sur

Mr. Dipankar Parama

For the State

Apprehending arrest in connection with Nanoor P.S. Case No. 171 of 2019 dated 07.09.2019 under sections 147/148/149/448/341/506/326/307 of the Indian Penal Code subsequently added section 302 of the Indian Penal Code read with section 25/27/35 of the Arms Act and Sections 3/4/5 of the Explosive Substances Act, the present application has been preferred.

Mr. Dutta, learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated. The allegations levelled against the petitioners are unfounded. The case has been registered on the basis of a *suo moto* complaint of the Officer-in-Charge of Nanoor Police Station and a complaint submitted by one Anup Kumar Garai. In the *suo moto* complaint, the name of the petitioner no.1 has not been included. No overt act has been attributed to the petitioners and in view thereof, custodial interrogation of the petitioners is not necessary.

Mr. Sur, learned advocate appearing for the State opposes the petitioners' prayer and submits that one person had died

and one person suffered a bomb blast injury in the incident. He has also drawn the attention of this Court to the statements of witnesses recorded under Section 161 of the Code and submits that investigation is yet to be completed.

We have heard learned Advocates for the respective parties and considered the materials in the case diary. *Prima facie*, the materials disclose the involvement of the petitioners in the alleged offence. Considering the gravity of the offence and the extent of complicity of the petitioners and since investigation is yet to be completed, we are not inclined to exercise any discretion in favour of the petitioners. As such, their prayer for anticipatory bail is refused.

The application for anticipatory bail, being CRM 2303 of 2021 is dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Shampa Sarkar, J.)

(Tapabrata Chakraborty, J.)