

26.03.2021
Court No.28
Item No. 25
Krishnendu
Allowed

CRM 9883 of 2020
(Via video Conference)

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

And

In Re : **Julfikar Sekh @ Fikkar Sk. & Anr.**

Petitioners

Mr. Arindam Jana
Mr. Sumanta Das

For the Petitioners

Mr. Arijit Ganguly
Mr. Iqbal Kabir

For the State

Leave is granted to the learned advocate for the petitioners to amend the cause title of the application.

Apprehending arrest in connection with Dhubulia P.S. Case No. 115 of 2020 dated 29.05.2020 under sections 188/353/333/307/427/34 of the Indian Penal Code and section 51(b) DM Act, the petitioners have filed the present application.

Mr. Jana, learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated. No overt act has been attributed to the petitioners. There were fourteen F.I.R. named persons, including the petitioners herein and five of the F.I.R. named persons have already been granted anticipatory bail by the orders passed by co-ordinate Benches of this Court in CRM 10164 of 2020 and CRM 6417 of 2020. In the said conspectus, custodial interrogation of the petitioners is not necessary.

The learned advocate appearing for the State opposes the petitioners' prayer for anticipatory bail and draws our attention to several documents in the case diary.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of allegations and since five co-accused persons, similarly situated with the petitioners, have already been granted anticipatory bail, we are of the opinion that custodial interrogation of the petitioners is not warranted in the facts and circumstances of this case. As such, the prayer for anticipatory bail of the petitioners is allowed.

Accordingly, we direct that in the event of arrest the petitioners, namely, **Julfikar Sekh @ Fikkar Sk. and Saburali Sekh @ Sobur Sk.**, shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail, being CRM No. 9883 of 2020 is, thus, disposed of.

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

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)