

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

27.09.2021

Court No.01
rpan /24

C.R.M. 468 of 2021

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

and

In Re : **Faruk Sekh @ Umar Faruk & Others**

....Petitioners.

Mr. Surajit Basu,

Mr. Ratan Chandra Roy

... for the petitioners.

Mr. Aditi Shankar Chakraborty, Ld. APP,

Mr. Aniruddha Biswas

... for the State.

Apprehending arrest in connection with Sahebganj Police
Station Case No.78 of 2021 dated 06.03.2021 under Sections
186/188/353/332/427/34 of the Indian Penal Code, the
petitioners have filed the present application.

On the prayer of Mr. Basu, learned advocate appearing for
the petitioners, the present application, so far as the petitioner
nos. 1, 2, 3 and 4, namely, Faruk Sekh @ Umar Faruk, 2. Yusuf
Sekh @ Ichhub Ali Sekh, 3. Ashraful Sekh @ Miah and 4. Afoj Ali
@ Afaz Uddin respectively are concerned, is dismissed as **not
pressed.**

Mr. Basu, further submits that the petitioner no.5 has been
falsely implicated since his wife had lodged a complaint before the
police authorities stating that on 20th December, 2020 some
persons from the BSF camp forcibly entered into her residence
and assaulted her daughter. No overt act has been attributed to
the petitioner no.5 and there is no likelihood that the petitioner

would flee from justice. In the said conspectus, custodial interrogation is not necessary.

Mr. Chakraborty, learned advocate appearing for the State opposes the prayer of the petitioner no.5 and draws our attention to the statements of the witnesses, as recorded under Section 161 of the Code and the seizure list.

Having heard the learned advocates and considering the materials in the case diary, including the seizure list, the nature of accusations and the extent of complicity of the petitioner no.5 in the alleged incident, we are not inclined to exercise any discretion in his favour and as such, his prayer for anticipatory bail is refused.

Accordingly, the application for anticipatory bail so far as the petitioner no.5, being CRM 468 of 2021 is concerned, is also dismissed.

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

(Abhijit Gangopadhyay, J.) (Tapabrata Chakraborty, J.)