

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

27.09.2021
Court No.01
Item No.38
Avijit Mitra

CRM 923 of 2021

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

And

In Re: Dhiren Barman & ors.

...Petitioners

Mr. Biswarup Roy

...For the Petitioners

Mr. Abhijit Sakar,
Mr. Tapan Bhattacharjee

...For the State

Apprehending arrest in connection with Sahebganj Police Station Case No. 194 of 2021 dated 05.05.2021 under sections 448/325/326/307/354/427/379/506/34 of the Indian Penal Code, the present application has been preferred.

Mr. Roy, learned advocate appearing for the petitioners submits that there was a political rivalry between the parties and they have been falsely implicated. The wife of the petitioner no.1 lodged the first complaint at about 11.00 a.m. and thereafter, the present complaint was lodged against the petitioners about two hours thereafter on 5th May, 2021. There is no likelihood that the petitioners would flee from justice. In view thereof, custodial interrogation is not necessary.

Mr. Sarkar, learned advocate appearing for the State does not dispute the fact that there was a case and counter case between the parties. However, placing reliance upon the documents in the case

diary, he submits that the petitioners are directly involved in the alleged offence and investigation is still in progress.

We have heard the learned advocates appearing for the respective parties and considered the materials in the case diary, which includes only one injury report. *Prima facie*, possibility of false implication, owing to previous enmity, cannot be totally ruled out. Considering the nature of accusations, the injury report and the omnibus nature of allegations, we are of the opinion that custodial interrogation of the petitioners is not warranted in the facts and circumstances of the present case and as such their prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest the petitioners, namely, **Dhiren Barman, Abu Taher Sekh, Kholel @ Khalilur Sekh, Susant Barman, Maynal Sekh Haque @ Maynal Hoque, Paresh Barman, Prafulla Barman, Naresh Ch. Barman, Rafikul Sekh, Utpal Barman, Pradip Barman, Ganesh Barman, Jahangir Alam Sekh, Majnu Sekh, Hafijur Rahaman Sekh, Amulya Barman, Chranjit Malakar, Rajen Barman, Nagendra Nath Barman and Lakshmi Barman** shall be released on anticipatory 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 with a further condition that the petitioners shall not enter the jurisdiction of Sahebganj Police Station save and except for meeting with the investigating officer, as and when called for.

The application for anticipatory bail, being CRM 923 of 2021, is disposed of.

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.)