

02.12.2021

Item No.2

Ct.No.1

dc./gsd

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

C.R.M. 968 of 2021

(Via Video Conference)

In Re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with C.R. No. 58 of 2021 arising out of POR No. 09/COB-1 of 2021-2022 dated 2.7.2021 under Section 2(1)/2(16)(b)/2(16)(c)/2(36)/2(37)/9/39/49/50/51/55 of the Wile Life Protection Act, 1972 and under Section 3 of the Indian Evidence Act, 1872 and under Section 3(1) (1) of the Prevention of Damage to Public Property at 1984 and the Biodiversity Act, 2002, adding Sections 379/411/413 of the Indian Penal Code and Section 11(1)(a) of the Prevention of Cruelty to Animal Act, 1960.

And

In the matter of : **Chhamira Sekh @ Samir Sekh**

... Petitioner.

Md. Sabir Ahmed

Mr. H. S. Poddar

... for the petitioner

Mr. Niloy Chakraborty

Mr. Sourav Ganguly

... for the State.

Learned Advocate for the petitioner submits that the petitioner is innocent of charges and has been falsely implicated in the instant case. The Learned Advocate also submits that the petitioner has purchased the same from the market which was available and for a price, he has no involvement for violation of the offences as alleged by the prosecution.

Learned Advocate for the State opposes the prayer for anticipatory bail and submits that the petitioner is thickly connected with the alleged offences and there were other recoveries which were made from the residence of the present petitioner.

We have considered the materials on record and having regard to the nature of allegations, we are of the opinion that this is not a fit case for releasing the petitioner on anticipatory bail. Accordingly the prayer for anticipatory bail is **rejected**.

However, if the petitioner surrenders before the jurisdictional Court within a fortnight from date, the Learned Magistrate will consider the application for bail independently after taking into account whether the custodial detention of the petitioner is required for the purposes of investigation.

The application for anticipatory bail, being CRM 968 of 2021 is disposed of.

Pursuant to the earlier order, the Forest Range Officer, Cooch Behar Division, Cooch Behar is present in Court. His personal appearance stands dispensed with.

All parties shall act on the server copy of this order, duly obtained from the official website of the Hon'ble High Court Calcutta.

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)

(Subrata Talukdar, J.)