

08.06.2023
SL No.27
Court No.1
Sb/Saswata
(Allowed)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

CRM (A) 274 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Dinhata Police Station Case No.640 of 2022, dated 28.12.2022 under Sections 448/323/354/435/326/506/34 of Indian Penal Code, 1860 read with Section 25/27/35 of the Arms Act.

And

In the matter of : **Khalil Hoque & Ors.**

- Petitioners.

Mr. Sudip Guha

... For the Petitioners.

Mr. Ujjwal Luksom

Mr. Tapan Bhattacharya

Mr. Chattu Roy

... For the State.

1. Learned Counsel for the petitioners submits that the since the petitioner no. 31 has already been granted bail, he does not press the same.
2. Learned Counsel for the petitioners submits that the petitioners have become the victim of political rivalry and they are innocent.
3. Learned Counsel for the State opposes the prayer for anticipatory bail and submits that the petitioners are responsible for extortion and in the event, they are granted anticipatory bail, they may not cooperate with the investigation and flee from trial. It is further submitted that the petitioner nos. 6 and 7 have criminal antecedents.
4. Having considered the materials available in the case diary, the nature of involvement of the petitioners in the alleged offence

and the allegations being general and omnibus in nature, we are of the view that custodial interrogation of the petitioners are not necessary and accordingly we **allow** the prayer for anticipatory bail of the petitioners save and except the petitioner no. 31 on the following conditions:

- i. In the event of arrest, the petitioners be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.
- ii. The petitioners shall meet the Investigating Officer once in a week till the filing of the charge sheet.
- iii. The petitioners shall cooperate with the investigation.
- iv. The petitioners shall appear before the court below and pray for regular bail within four weeks from date and shall not leave the jurisdiction of the jurisdictional Court without express leave of the Court.

5. The application for anticipatory bail is, thus, disposed of.

6. The Learned Trial Court shall consider the prayer for regular bail on its own merit without being influenced by the order of this Court.

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

(Raja Basu Chowdhury, J.)

(Soumen Sen, J.)