

Court No. 29

31.01.2024

(AD 37)

(S. Banerjee)

CRM(A) 5160 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bhagwangola** Police Station Case No. **420 of 2023** dated **04.09.2023** under Sections 379/411/34 of the Indian Penal Code, 1860.

And

In the matter of: **Khalek Sekh**

Mr. Ali Ahasan Alamgir
Ms. Soma Mal
Ms. Rabia Khatoon
Ms. June Modak

... for the petitioner

Ms. Antarikhya Basu

... for the State

The petitioner prays for anticipatory bail on the ground of parity with other co-accused persons who were granted bail by the order dated January 8, 2024 passed in CRM(A) 4670 of 2023.

Learned advocate for the State draws the attention of the court to the materials in the Case Diary.

Co-accused persons who were granted anticipatory bail by the order dated January 8, 2024, were said to be the persons who were not directly connected to the offences as alleged.

Materials in the Case Diary suggests that the gold biscuits that were seized by the police emanated from the petitioner before us.

Materials in the Case Diary suggest that the petitioner is the principal accused.

In such circumstances, we are unable to return on a finding that the petitioner stands on the same footing along with the other two co-accused persons who were granted bail by order dated January 8, 2024 passed in CRM(A) 4670 of 2023.

In such circumstances, we are unable to grant anticipatory bail to the petitioner.

CRM(A) 5160 of 2023 is rejected.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)