

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

12.04.2024

Court No.01
rpan/ 10

CRM (A) 212 of 2024

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

And

In Re: Khabar Sekh

- Petitioner

Mr. Sudip Guha,
Mr. Sandip Guha Roy
...for the Petitioner.

Mr. Nilay Chakraborty, Ld. APP
Mr. Kallol Acharjee
Mr. Sourav Ganguly
...for the State.

Apprehending arrest in connection with Sahebganj Police Station Case No.325 of 2023 dated 10.08.2023 under Sections 147/148/149/186/332/333/334/427/307 of the Indian Penal Code read with Section 3 of the Prevention of Damage to Public Property Act and Section 25(1-A) of the Arms Act and Section 9B of the Explosive Act, the present application has been preferred.

Mr. Guha, learned advocate appearing for the petitioner submits that there was a dispute amongst members of two political groups and in the same the petitioner has been falsely implicated. Co-accused persons, similarly situated with the petitioner, had already been granted anticipatory bail by a co-ordinate Bench of the Court. In the said conspectus, the petitioner may be granted anticipatory bail.

Mr. Chakraborty, learned Additional Public Prosecutor appearing for the State opposes the petitioner's prayer and has drawn our attention to the statement of the witnesses as well as other documents in the case diary.

We have heard the learned advocates and perused the materials on record, including the contents of the complaint and the statements of the witnesses. Upon such cumulative assessment, it, *prima facie*, appears that the allegations are omnibus in nature and the petitioner is similarly situated with the co-accused persons, who have already been granted anticipatory bail earlier by a co-ordinate Bench of this Court. In view thereof, custodial interrogation of the petitioner is not necessary in the facts and circumstances of the case and he may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Khabar Sekh** shall be released on bail upon furnishing a bond of Rs.10,000/- 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, 1973 with further a condition that he shall attend the learned trial court below on all the dates as fixed for hearing.

It is further directed that the petitioner shall not influence the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel his bail without any further reference to this Court.

The application for anticipatory bail, being CRM (A) 212 of 2024, is disposed of.

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

(Biswaroop Chowdhury, J.)

(Tapabrata Chakraborty, J.)