

24.04.2024
SL No.13
Court No.1
(gc)
(Allowed)

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

CRM (A) 331 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Sahebganj Police Station Case No.184 of 2021, dated 04/05/2021 under Sections 448/325/326/307/427/379/354/506/34 of the Indian Penal Code.

And

In the matter of : **Sakil Akhtar @ David & Anr.**

- Petitioners.

Mr. Sudip Guha

... For the Petitioners.

Mr. Kallol Acharjee,

Mr. Chattu Roy

... For the State.

1. Learned Counsel for the petitioners submits that the petitioners have been falsely implicated in this case and co-accused persons similarly placed have been granted anticipatory bail by Coordinate Benches in CRM (A) 710 of 2022 and CRM (A) 174 of 2022.
2. Learned Counsel for the State while opposing the prayer for anticipatory bail has candidly submitted that the present petitioners are standing on the same footing as that of the previous petitioners.
3. In view of the fact and also taking into consideration that the charge-sheet has already been filed on 12th November, 2021, we are of the view that custodial interrogation of the

petitioners is not required. Hence, we are inclined to grant anticipatory bail to the petitioners.

4. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Sakil Akhtar @ David** and **Abbaj Ali Mia @ Abbas**, be released on bail upon furnishing a bond of Rs.10,000/-each, with two registered sureties of like amount each, to the satisfaction of the learned Additional Chief Judicial Magistrate, Dinhata in connection with G.R. (1) Case No.250 of 2021 and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. It is further directed that the petitioners shall appear before the learned trial Court within a fortnight from today.
5. The application for anticipatory bail is, thus, disposed of.
6. It is submitted on behalf of the petitioners that the name of the first accused petitioner, namely, Sakil Akhtar @ David has been wrongly recorded as Sakil Akhtar @ Javid.
7. Accordingly, leave is given to correct the name of the first accused petitioner in course of the day.
8. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J.)

(Partha Sarathi Sen, J.)