

21.08.2024.

Item No. 27

Court No.1

ap

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

C.R.M. (A) No. 585 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 filed on 19.07.2024 in connection with Kotwali Police Station Case No. 556 of 2024 dated 07.06.2024 under Sections 403/406/417/420/34 of Indian Penal Code, 1860.

And

In the matter of: **Md. Sahil Sekh @ Md. Shail Sekh @ Banty.**
..Petitioner

Mr. Hillol Saha Podder,
Ms. Mousumi Das. ...For the petitioner

Mr. Saikat Chatterjee,
Mr. Chattu Roy.For the State

1. Counsel for the petitioner seeks anticipatory bail on the ground that his client is not the principal accused.

2. It is further submitted that from the evidence available in the case diary and the materials on record that the genesis of the FIR is in a purely civil and private transaction.

3. Counsel for the State opposes the prayer for anticipatory bail of the petitioner.

4. Having regard to the facts and circumstances of the case and considering the materials available on record, this Court is of the view that the petitioner shall be entitled to anticipatory bail.

5. It is directed that in the event of arrest, the petitioner shall be released on bail to the satisfaction of the

arresting officer upon furnishing a Bond of Rs.25,000/-, with two sureties of Rs.12,500/- each, one of whom must be local.

6. This order is subject to the conditions laid down in sub-section (2) of Section 438 of the Code of Criminal Procedure corresponding to Section 482(2) of the BNSS, 2023.

7. The Case Diary be returned.

8. C.R.M. (A) No. 585 of 2024 is, thus, disposed of.

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

(Ajay Kumar Gupta, J.)

(Rajasekhar Mantha, J.)