

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

The Hon'ble **JUSTICE SUVRA GHOSH**

CRM (DB) 554 of 2025

Sk. Sahajhan @ Sahajhan Sekh
v/s.
Central Bureau of Investigation

With

CRM (DB) 650 of 2025

Sk. Alomgir
v/s.
Central Bureau of Investigation

For the Petitioners:

Mr. Sandipan Ganguly, Sr. Adv.
Mr. Avik Ghatak, Adv.
Mr. Arkadeb Bhattacharya, Adv.
Mr. Soham De Dhara, Adv.

For the CBI :

Mr. Dhiraj Trivedi, Sr. Adv. Ld DSGI.
Mr. Amajit De, Adv.

Hearing concluded on:

25.02.2026

Judgment delivered on:

19.03.2026

SUVRA GHOSH, J. :-

1. Since both the writ petitions pertain to the same incident and investigation conducted by the CBI, this Court proposes to deal with both the matters together and dispose of the same by a common judgment.
2. The petitioner in CRM (DB) 554 of 2025 is in custody since 29th February, 2024 on being arrested in connection with Nazat police station case no. 9 of 2024 dated 5th January, 2024 and being shown as arrested on the

same date in connection with Nazat police station case no. 8 of 2024 dated 5th January 2024. He has been granted statutory bail in case no. 8 of 2024 on 3rd June, 2024 by the Learned Additional Chief Judicial Magistrate, Basirhat, North(24)Pgs.

3. Case no. 9 of 2024 was registered on the basis of a complaint lodged by the Deputy Director of the Directorate of Enforcement (hereinafter referred to as the E.D.) before the Superintendent of Police, Basirhat police district and the officer-in-charge Nazat police station. Case no. 8 of 2024 was registered on the self same facts at the behest of the Superintendent of Police, Rajbari Outpost, Nazat police station. The CBI initiated R.C. case no. 2 of 2024 on the basis of Nazat police station case no. 9 of 2024 and R.C. case no. 4 of 2024 on the basis of Nazat police station case no. 8 of 2024. Both these cases have been merged by an order passed by the learned Additional Chief Judicial Magistrate, Basirhat. Charge sheet has been submitted and further investigation directed.
4. The allegation against the petitioner is that in course of investigation of a case involving the offence of money laundering related to “proceeds of crime generated from irregularities in procurement, processing/milling/fortification and distribution of ration through Public Distribution System (PDS) scheme” under the provision of the Prevention of Money Laundering Act, 2002 (in short the PMLA), search was being carried out in different places in the State of West Bengal. On 5th January, 2024, when the E.D. officials reached the premises of the petitioner for conducting search at about 7:15 A.M., the petitioner refused

to open the door despite several requests made by the E.D. officials. The officials tried to persuade the petitioner to open the door and even tried to contact him on his mobile phone which was continuously found busy. On tracing out the mobile location, it was found that the petitioner was inside the house. Within a span of one hour, about 800 to 1000 persons gathered at the spot armed with weapons, attacked and surrounded the E.D. officials and CRPF personnel, snatched their personnel belonging, pelted stones and bricks at them and assaulted them. The vehicles of the Directorate were also attacked, damaged, smashed and set ablaze. The same incident occurred at the office premises of the petitioner where the E.D. visited for conducting search. The E.D. officials suffered serious injuries and had to flee for life.

5. Seeking release of the petitioner on bail, learned counsel for the petitioner has submitted as follows:-
6. The preliminary allegation against the petitioner is that he refused to open the gate of his house and did not co-operate with the investigating agency. Alleged non-cooperation cannot be a ground for arrest of a person. No evidence has been collected by the CBI to establish that the petitioner was at home at the relevant time. The tower location of his mobile phone does not pin point his exact location and it can at best be said that the mobile phone was inside the house and not the petitioner. No illegal arm was recovered from the petitioner. There is no material to show that the petitioner led or instigated the mob or assaulted the CBI or CRPF personnel. No active role of the petitioner has transpired during

investigation. The co-accused who led the mob and actively participated in the offence has been granted bail. The seizure made from the house of Abu Taleb Sk. has no nexus with the petitioner. Abu Taleb or his wife has not been arraigned as accused despite arms being recovered from their possession. They have only been cited as witnesses.

7. Statements of witnesses have been recorded at a belated stage and there is every possibility that the statements are a product of tutoring and afterthought. The illegal arms, if any, have no nexus with the petitioner and were not seized from him. It was stated by Majeda Bibi that the arms were kept in her house by Sk. Alomgir. No allegation under the Arms Act has found place in the charge sheet.
8. It is absurd that the petitioner has threatened a witness over phone from jail custody. Apprehension, if any, that the petitioner shall influence witnesses or tamper with evidence can be dealt with by keeping him outside the jurisdiction of the concerned police station. He has deep roots in the society. There is remote chance of his abscondence if granted bail.
9. It is settled law that prolonged incarceration of an accused without trial amounts to punishment which is not enjoined in law. The petitioner is in custody for about two years. Further investigation is pending. The CBI intends to examine 88 witnesses and rely upon 61 documents and 26 material exhibits. Possibility of completion of trial in near future is bleak. The petitioner cannot be termed as a habitual offender since he has not suffered any conviction earlier. The entire allegations are based on assumptions and have no legal sanction. The petitioner seeks bail.

10. Insofar as Sk. Alomgir is concerned, he was arrested on 17th March, 2024 in connection with Nazat police station case no. 9 of 2024 and was shown as arrested in Nazat police station case no. 8 of 2024. He was granted statutory bail in case no. 8 of 2024. However, he is still in custody in connection with case no. 9 of 2024 wherein final report has been submitted and further investigation is pending. Though it is alleged that he possessed prohibited fire arms which were seized from the house of Abu Taleb Sk., he has not been charge sheeted for any offence under the Arms Act. He is a licensed holder of arms and such possession does not constitute an offence under the Arms Act.
11. It is alleged that there were two telephonic conversations between the petitioner and co-accused Sk. Sahajhan @ Sahajhan Sekh during the relevant period. The petitioner being the full blood brother of Sk. Sahajhan @ Sahajhan Sekh, such conversation is only normal and cannot give rise to any adverse inference. No material has transpired during investigation to demonstrate that the petitioner instigated, directed or participated in mobilizing the mob. Statements of witnesses were recorded more than three months after the alleged incident and cannot be safely relied upon. He has suffered incarceration for more than two years and in view of the number of prosecution witnesses to be examined and documents relied upon, there is remote possibility of conclusion of trial in near future. The petitioner prays for bail.
12. Vehemently opposing such prayer, learned counsel for the CBI has submitted as hereunder:-

The petitioners have played a vital role in mobilizing a violent mob, attacking and injuring government officials and preventing/obstructing them in their official functions. Sk. Sahajhan @ Sahajhan Sekh is the mastermind of the entire criminal conspiracy and was actively involved in gathering the mob at the locations. The tower location of the mobile phone of Sk. Sahajhan @ Sahajhan Sekh establishes his presence in his house at the relevant time which has also been endorsed by his wife Taslima Bibi. He made 30 calls to 10 persons between 7:00 A.M. and 9:00 A.M. and instructed them to assemble alongwith others outside his residence and office. The video footage of the incident also suggests presence of the mob. Co-accused Sk. Alomgir assisted Sk. Sahajhan @ Sahajhan Sekh in assembling the mob at the two places. Statements of several witnesses recorded in course of investigation demonstrate that they were called by the petitioners to assemble at the locations.

13. Firearms recovered from the house of accused Abu Taleb Sk. who is absconding was kept by Sk. Alomgir as stated by Abu Taleb's wife. The arms licence in Sk. Sahajhan @ Sahajhan Sekh's name expired in March, 2022.
14. Nine accused persons including the petitioners have been charge sheeted and investigation is in progress in respect of 13 more accused. Supplementary charge sheet shall be submitted shortly. Though the case was handed over for investigation to the CBI on 6th March, 2024, i.e., after two months of the incident, some relevant evidence is yet to be made over.

The co-accused who have been granted bail are not similarly circumstanced with the petitioners who are the principal accused. It is not unlikely that they shall impede further investigation, intimidate witnesses and destroy evidence if released on bail. They are extremely influential persons and complaint has been lodged to the effect that Sk. Sahajhan @ Sahajhan Sekh has been threatening witnesses even from the Correctional Home through his associates.

15. I have considered the rival contention of the parties and material on record.

16. Investigation has unfolded the alleged incident as follows:-

The E.D. was investigating the case involving the offence of money laundering related to “proceeds of crime generated from irregularities in procurement, processing, milling, fortification and distribution of ration through Public Distribution System (PDS) scheme” under the PMLA. In course of investigation, E.D. officials alongwith CRPF personnel reached the residential premises of Sk. Sahajhan @ Sahajhan Sekh (hereinafter referred to as the first petitioner) at about 7:05 hours on 5th January, 2024 for discharging their official duty. The officials called up the first petitioner on his mobile number and requested him to open the door of his house in order to enable them to conduct search at his premises. The first petitioner was in the house at that time and instead of opening the door, called his close associates over mobile phone and mobilised a violent crowd which attacked, pushed back and injured the team comprising E.D. officials and CRPF personnel. About 800 to 1000 persons gathered

outside his house at the behest of the first petitioner, shouted slogans against the E.D. /CBI, attacked the officials with weapons, damaged Government vehicles and property and injured members of the search party as well as media persons present there. The mob operated by putting the women at the forefront. Similar incident occurred at the office premises of the first petitioner at Shahjahan market. Three E.D. officials suffered grievous injuries and were treated at Manipal hospital, Kolkata. The violent mob also chased officials to cause such injury as would result in their death, snatched/robbed their personal belongings and damaged the cameras/equipments/vehicles. A large cache of firearms, both licensed and unlicensed along with I.D. cards, gun license, etc., was recovered from the house of a close associate of the first petitioner, which were kept by Sk. Alomgir (hereinafter referred to as the second petitioner), brother of the first petitioner. Multiple personal identity documents of both the petitioners were also recovered.

17. The first petitioner has claimed that he has no nexus with the alleged incident and his mobile tower location merely confirms the presence of the mobile phone within the tower coverage area. It does not indicate presence of the first petitioner in his house at the relevant time or his calling several persons to mobilize the crowd.
18. It appears from the call details of the two mobile phones used by the first petitioner that he made several calls to various persons between 7:00 A.M and 9:00 A.M. on the relevant date. Statement of witnesses including that of the first petitioner's wife also prima facie confirms the presence of the

first petitioner in his house at the relevant time and his making calls to several persons. The witnesses have stated that the first petitioner instructed them to assemble outside his house and office and pursuant thereto, a huge mob gathered and attacked the E.D. and CRPF personnel as well as media persons present there and damaged their property and vehicle. The witnesses have also stated that after the E.D. and the CRPF personnel fled away, the first petitioner came out of his house and delivered a short speech addressing the assembled mob. He directed the mob to remain incognito for sometime and contact one of his associates who would take care in the event they faced any difficulty. The first petitioner was seen to leave his house with some bags. The witnesses have raised serious allegation including land grabbing, intimidation and torture against the petitioners. The investigating agency has also collected video footages which prima facie suggest presence of the mob and identify some of them.

19. The second petitioner who is the brother of the first petitioner appears to be closely associated with the first petitioner as well as the alleged offence. He was called by the first petitioner and was actively involved in the criminal conspiracy including mobilizing the crowd, inflicting injuries on E.D. and CRPF personnel, damaging Government property and snatching/robbing their personal belongings. One of the witnesses has stated that firearms were kept in the house of Abu Taleb Sk. at his instance.

20. Statement of witnesses was recorded by the CBI after the case was made over to them. Whether the delay in recording such statement strikes at the credibility of the statement shall be dealt with at the appropriate stage of trial. Several witnesses have talked about their threat perception at the behest of the petitioners. Bholanath Ghosh who happens to be a witness in several complaints lodged against the first petitioner has lodged a complaint on 11th December, 2025 before the appropriate police authority alleging that on his way to Court with his son in his car, a road accident was orchestrated by the first petitioner resulting in the death of his son and his driver. The co-accused who have been released on bail are not similarly circumstanced with the petitioners except Mafujar Molla whose bail was granted on the ground of severe illness of his two year old daughter. His interim bail was confirmed subsequently. The CBI is taking steps for cancellation of his regular bail. Several complaints were lodged by women in and around the locality where the petitioners live. In dealing with the said complaints, the National Commission for Women visited the locality, interacted with the complainants/victims affected by the action of the first petitioner and his associates and has recommended urgent action including further investigation of the complaints.
21. It is a fact that the petitioners are in custody for considerable period of time. The Courts have frowned upon prolonged detention of the accused without trial and have insisted that such detention should not turn punitive.

22. However, applications for bail need to be dealt with in the light of the facts of each case. Herein, sufficient incriminating material has transpired against both the petitioners in course of investigation which prima facie suggest their leading role in the alleged offence. Statement of witnesses suggests that they are extremely influential persons of the locality and are dreaded by one and all. Further investigation is in progress. In the event the petitioners are released on bail at this stage, possibility of their tampering with evidence and intimidating witnesses cannot be ruled out.
23. In the said backdrop, this Court is inclined to hold that the petitioners do not deserve a favourable order at this stage.
24. Accordingly prayer for bail of both the petitioners being Sk. Sahajhan @ Sahajhan Sekh and Sk. Alomgir is rejected at this stage.
25. It is made clear that the observation made in this judgment is for the limited purpose of considering the bail applications and shall not be construed as an expression of opinion on the merits of the case.
26. CRM (DB) 554 of 2025 with CRM (DB) 650 of 2025 is accordingly disposed of.
27. All parties shall act on the server copy of this judgment duly downloaded from the official website of this Court.
28. Urgent certified website copies of this judgment, if applied for, be supplied to the parties expeditiously on compliance with the usual formalities.

(Suvra Ghosh, J)