

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION**

**25.02.2026
Sl. no. 14
Ct. No. 6
P.M.**

C.R.M. (A) 146 OF 2026

In Re : An application for bail under Section 482 of the Bhartiya
Nagarik Suraksha Sanhita, 2023.

And

In the matter of : **Khorsed Ali Sekh.**

.... Petitioner

Mr. Malay Bhattacharyya,
Ms. Esha Acharyya,
Mr. S. Ghosh
... for the petitioner

Mr. Aditi Shankar Chakraborty, Ld. APP
Mr. Chattu Roy
... for the State

Present petition has been filed for anticipatory bail in G.R.
No. 112 of 2026 under Section 316(2)/318(4) of the Bharatiya
Naya Sanhita.

Learned counsel for the petitioner submits that present
FIR is not sustainable as the same has been registered for
cheating and breach of trust. Learned counsel further submits
that even the petitioner was not present at the alleged scene of
offence. Learned counsel further submits that petitioner
apprehends arrest without service of notice under Section 35(3)
of BNS.

Learned counsel for the State has opposed the bail
application and submits that the petitioners are absconding and

there is no clue of truck and the loaded articles. Learned counsel for the State submits that custodial interrogation is required for effecting recovery.

The Court has considered the submissions. The petitioner has duly been named in the FIR. This is an infancy stage of investigation. The recovery is yet to be effected. Whether the petitioner can be prosecuted for cheating and breach of trust is to be seen at the later stage. The investigating agency is bound to proceed in accordance with law including service of notice under Section 35(3) of BNS, 2023 if required.

The Court considers that there is no substance in the present application.

This petition being CRM (A) 146 of 2026 stands dismissed.

Urgent photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all usual requisite formalities.

(Dinesh Kumar Sharma, J.)