

14.10.2020

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CRM 7708 of 2020
With
CRAN 1 of 2020

(Via Video Conference)

In re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Siliguri Police Station Case No. 1016 of 2020 dated 05.08.2020 under Sections 363/365/448/323/509/376/511/34 of the Indian Penal Code.

In the matter of : Avinash Sahani @ Abinash Sahani @ Gutla & Anr....petitioners

Mr. Shibaji Kumar Das
..for the petitioners.

Mr. Avijit Sarkar
Mr. Arun Sarkar
..for the State.

The petitioners claim that the statement of alleged survivor recorded under Section 164 of the Code, as revealed in course of the bail petition of another co-accused, does not refer to any abduction or kidnapping of the alleged survivor by the present petitioners or any other person. The petitioners say that in the light of such statement, the entire edifice of the present case falls.

The relevant statement has been placed on behalf of the State. It makes out a case of an attempt to rape the mother of the alleged survivor, but, prima facie, does not appear to allege that the petitioners

kidnapped or abducted the alleged survivor. In the light of the materials available, the further detention of the petitioners are not warranted.

The petitioners will be enlarged on bail upon furnishing security of Rs. 20,000/- (Rupees Twenty Thousand only) each together with two sureties of equal amount, one of whom must be local, to the satisfaction of the appropriate court in Darjeeling. The petitioners will report to the investigating officer as and when called till the investigation is completed. Since an insinuation has made that the petitioners may be involved in the drugs racket, the police authorities will keep a close eye on the petitioners in connection with his possible nexus with the drugs trade.

C.R.M. 7708 of 2020 and the interim application are disposed of.

(Samapti Chatterjee, J.)

(Aniruddha Roy, J.)