

21.01.20
Sl. No.17
ns
Ct. No.1

CALCUTTA HIGH COURT

In the Circuit Bench at Jalpaiguri

C. R. M. 1024 of 2019

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 13.11.2019 in connection with Sitalkuchi Police Station Case No.129 of 2019 dated 06.06.2019 under Sections 365/376/511/506/109 of the Indian Penal Code.

And

In Re: ***Bijay Paul & ors.***

... .. Applicants

Mr. Hillol Saha Podder for applicants

Mr. Arun Kumar Sarkar,
Mr. Abhijit Sarkar for State

Applicants for anticipatory bail had earlier applied. Their earlier application stood rejected on 25th July, 2019. Following from said order is reproduced below:-

“Learned Additional Public Prosecutor and learned advocate appearing for the defacto complainant submit together in unison that the accused persons have their active role in the matter of kidnapping and abducting the victim with ultimate intention of selling out the victim for immoral purpose.

Upon consideration of the materials already collected in the case diary including the statement of the victim, recorded under Section 164 of the Code of Criminal Procedure, and bearing in mind that the principal accused has not yet been booked in this case, we are of the considered view

*that rejection of the prayer for anticipatory bail
may fuel the ground of investigation.”*

Mr. Saha Podder, learned advocate appears on behalf of applicants and submits, today situation has changed. Charge sheet has already been filed on completion of investigation. His clients be granted anticipatory bail. Mr. Sarkar, learned advocate appears on behalf of State and submits, applicants did not surrender and hence warrants have been issued.

This application is rejected. Applicants will apply for regular bail.

(Arindam Sinha, J.)

(Biswajit Basu, J.)