

CRM 1644 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Malda Police Station Case No.370 of 2019 dated 15-06-2019 under Sections 364A/323/109 of the Indian Penal Code.

- A n d -

In the matter of : Md. Mabud Ali

.... Petitioner.

Ms. Minoti Gomes,
Mr. Mazhar Hossain Chowdhury,
Mr. Suman Karmakar

... For the Petitioner.

Mr. Rudradipta Nandy

... For the State.

The petitioner says that he has been falsely implicated in this matter. The victim is the petitioner's driver. The victim suddenly disappeared. His wife lodged a complaint with the concerned police station regarding alleged missing status of the victim. Few days later, the victim went back to the petitioner, took the petitioner's Bolero car which was used as a commercial pick-up van and ostensibly went out on duty. But, in fact, the victim sold the petitioner's Bolero car behind the petitioner's back. Upon coming to know, the petitioner has filed a complaint against the victim which is pending.

The State says that as per the present complaint, the victim was abducted by the petitioner and a claim for ransom of Rs.8,00,000/- was made.

We have seen the material in the Case Diary including the statements of witnesses recorded under Section 164 of the Code of Criminal Procedure. The victim was

admittedly recovered from Kaliachak Police Station where he went and surrendered. Charge sheet has been submitted.

On an overall consideration of the facts and circumstances of the case and the nature and gravity of the alleged offence as also the extent of possible complicity of the petitioner therein and also the charge sheet having been submitted, we are of the view that immediate custodial interrogation of the petitioner is not necessary.

Accordingly, in the event of arrest, the petitioner, namely, **Md. Mabud Ali**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer. The petitioner shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

In the event the petitioner fails to adhere to any of the conditions stipulated in Section 438(2) of the Code of Criminal Procedure, the learned Court below will be at liberty to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 1644 of 2021 is, thus, **allowed**.

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

(**Bivas Pattanayak, J.)**

(**Arijit Banerjee, J.)**