

20.09.2021

CRM 2930 of 2021

Court No.32
Item No.64
(ALLOWED)

ab/akd

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 22.03.2021 in connection with Tamluk Police Station Case No. 682 of 2020 dated 01.12.2020 under Sections 363/366 of the Indian Penal Code (G.R. Case No. 2354 of 2020);

And

In the matter of : **Biresh Malik @ Bidesh Malik.**

...Petitioner.

Mr. Amal Krishna Samanta.

...For the Petitioner.

**Md. Anwar Hossain,
Ms. Ratna Ghosh.**

... For the State.

The petitioner says that he has been falsely implicated in this case of kidnapping. He had a love affair with the victim girl. They eloped. The girl has since been recovered.

We have seen the statement of the victim girl. She clearly admits of the relationship that she had with the petitioner. She has refused to undergo medical examination. Charge-sheet has been submitted upon completion of investigation.

In view of the aforesaid and on an overall assessment of the material on record, we are of the view that immediate custodial interrogation of the petitioner is not necessary.

Accordingly, in the event of arrest, the petitioner, namely, **Biresh Malik @ Bidesh Malik**, shall be released on bail upon furnishing a bond of Rs. 10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438 (2) of the Code of Criminal Procedure until further orders.

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 2930 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.)