

36. 08.11.2021

Ct.32

Tanmoy

Allowed

C.R.M. 3878 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **03/06/2021** in connection with **Karimpur Police Station Case No. 22/2021** dated **18/01/2021** under Sections **364/34** of the Indian Penal Code.

And

In the matter of: - **Uttam Kumar Sarkar @ Uttam Sarkar**

...petitioner.

Mr. Sumanta Das

...for the petitioner.

Mr. Arijit Ganguly,
Mr. Sanjib Kumar Dan

...for the State.

The petitioner says that he has absolutely no connection with the alleged offence of kidnapping. His wife apparently has fled with one Gouranga Mondal and both of them are missing. The petitioner has also filed a complaint under Section 156(3) of the Code of Criminal Procedure.

We have seen the statements of witnesses recorded under Section 161 of the Code of Criminal Procedure. There is no specific implication of the present petitioner.

Given the nature and gravity of the offence and the material on record, we are of the view that the petitioner's prayer for anticipatory bail may be allowed so long as he fully co-operates with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner, *viz.*, **Uttam Kumar Sarkar @ Uttam Sarkar** 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.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M. 3878 of 2021 is, accordingly, disposed of.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)