

17.12.2021
cm/ct 28
sl no. 37

C.R.M. 7694 of 2021

In Re : An application for Anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Dadpur P.S Case No. 173 of 2021 dated 29.10.2021 under Sections 447/323/379/364A/506/34 of the Indian Penal Code

And

Allowed

In Re : Rajib Basu Roy

..... petitioner

Mr. Milon Mukherjee, Sr. Adv.
Mr. Sandipan Ganguly, Sr. Adv.
Mr. Biswajit Manna, Adv.
Mr. Avik Ghatak, Adv.
Mr. F. Imam, Adv.

..... for the petitioner

Mr. S. Banerjee, Adv.
Mr. Minal Palare, Adv.

..... for the De-facto Complainant.

Mr. S.G. Mukherjee, Ld. P.P.
Ms. A. Sinha, Adv.
Mr. Pinak Kumar Mitra

.... for the State

Petitioner submits that the allegation of abduction and demand of ransom are out and out false. There was a commercial dispute between the parties which has since been resolved.

Learned public prosecutor opposes the prayer for anticipatory bail and submits that petitioner had detained persons and demanded money for purchase of T-Shirts.

Learned lawyer for the de-facto complainant submits that his client does not stand in the way of pre-arrest bail to the petitioner.

We have considered the materials on record. Allegations are serious and constitute non-compoundable offence. Hence out of court understanding between the parties would not absolve criminal liability. However, in the facts and circumstances of the

case and as de-facto complainant does not oppose the prayer for anticipatory bail and the statement of witnesses have already been recorded under Section 164 Cr.P.C., we are of the opinion custodial interrogation for progress of investigation is not necessary and petitioner may be granted pre-arrest bail.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- each with two sureties of like amount each, to the satisfaction of the Arresting Officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

Petitioner shall appear before the court below and pray for regular bail within four weeks from date.

The application being CRM 7694 of 2021 is disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)