

08.07.2021

Court No.28
Item No.09
(Partly
Allowed)

akd
&
as

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT**

JALPAIGURI

(Via Video Conference)

CRM 702 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Tufanganj Police Station Case No. 194 of 2019, dated 03.05.2019 under Sections 363/365/506/109 of the Indian Penal Code (G.R. Case No. 194 of 2019);

And

In the matter of : **Samsuddin Mia @ Babu & Ors.**
...Petitioners

Mr. Hillol Saha Poddar,
Ms. Arpita Sah.

...For the Petitioners

Mr. Tapan Bhattacharjee,
Mr. Sagnik Sankar Sikdar.

...For the State.

The Advocate on Record of the petitioners undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking the application is taken up for hearing.

Apprehending arrest in connection with Tufanganj Police Station Case No. 194 of 2019 under Sections 363/365/506/109 of the Indian Penal Code, the petitioners have filed the instant application for anticipatory bail.

Learned Advocate for the petitioners submits that false implication is the only basis of this manufactured case. It is submitted that the victim voluntarily left her home following a love relationship with the principal accused (petitioner no. 1, Samsuddin Mia @ Babu) to get him married. There is a delay of 84 days in the institution of this case and in view of the statement of the victim recorded under Section 164 of the Code of Criminal Procedure, the custodial interrogation of the petitioners would be an unnecessary exercise.

Learned Advocate for the State raises objection against the

prayer for pre-arrest bail. It is submitted that the victim was forcefully taken to the house of the principal accused (petitioner no. 1, Samsuddin Mia @ Babu) and marriage of the victim was held after putting the victim under threat. It is further submitted that investigation is at the initial stage.

Having considered the submissions of both sides and bearing in mind the direct role played by the principal accused (petitioner no. 1, Samsuddin Mia @ Babu) in the commission of offence complained of in this case and the recovery of the victim from his possession, we are not inclined to grant anticipatory bail as against the principal accused (petitioner no. 1, Samsuddin Mia @ Babu).

Accordingly the prayer for anticipatory bail as against the petitioner no. 1 is dismissed.

However, in view of the insufficient materials disclosed in the statement of the victim recorded under Section 164 of the Code of Criminal Procedure as against the petitioner nos. 2 to 5, we are inclined to grant anticipatory bail to them.

The prayer for anticipatory bail of the petitioner nos. 2 to 5 is thus allowed.

Accordingly, in the event of arrest the petitioner nos. 2 to 5 shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer of the concerned police station and on conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The application for anticipatory bail being CRM 702 of 2021 is thus **disposed of**.

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)