

18.08.2021
Item no. 03 (J.C.)
Court No.32.
S.De
(allowed)

In the Circuit Bench at Jalpaiguri

(Via Video Conference)

CRM No. 806 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 03.08.2021 in connection with Sitalkuchi Police Station Case No. 90 of 2021 dated 24.04.2021 under Sections 363/365 of the Indian Penal Code.

And

In the matter of : Lipi Bibi & Ors.

.....Petitioners.

Ms. Suman Sehanabis (Mandal), Advocate,
.....for the Petitioners.

Mr. Arun Sarkar, Advocate,
Mr. Saikat Chatterjee, Advocate,
.....for the State.

The prime accused is one Rahul. The charge is of kidnapping. The petitioners say that they are distant relatives of the prime accused. At best, the allegation against the petitioners is that they encouraged the prime accused to kidnap the fifteen years old victim girl.

The petitioners have drawn our attention to an affidavit sworn by the victim's father where he says that he has ascertained that his daughter eloped with the prime accused. They are residing in Kerala and they are happy. The relatives of

the prime accused who are the co-accused persons, do not have any role to play in the matter.

The State does not dispute the authenticity of the said affidavit. The State says that acting on the said affidavit, the police is trying to recover the victim girl from Kerala.

In view of the aforesaid, nature of the allegations as well as the extent of possible complicity of the petitioners in the alleged offence, we are of the view that immediate custodial detention of the petitioners is not necessary.

Accordingly, in the event of arrest, the petitioners 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 and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders.

In case the petitioners fail 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 CRM 806 of 2021 is, thus, allowed.

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

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)