

05.04.2022

05

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1533 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Mothabari** Police Station Case No. **97** of **2022** dated **11.03.2022** under Sections 363/365 of the Indian Penal Code, 1860.

And

In Re : Md. Sowaeb Ali @ Md. Sayeb Ali @ Bubai
..... petitioner

Mr. Sourav Chatterjee
Mr. Aniruddha Bhattacharya
....for the petitioner

Mr. Sabir Ahmed
Mr. Safiur Rahaman
Mr. Sourav Paul
Mr. A. Sarkar
....for the de-facto complainant

Ms. Faria Hossain
Ms. Mamata Jana
....for the State

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated. The petitioner married the lady in respect of whom the present police complaint was lodged.

Learned advocate appearing for the State submits that, the lady is yet to be recovered.

Learned advocate appearing for the petitioner submits that, both the petitioner and the lady, who is alleged to be kidnapped by the petitioner, are adults. The lady voluntarily went to the petitioner and married the petitioner. They are present in Court.

The de-facto complainant and the victim are represented.

Considering the fact that the lady in respect of whom the police complaint was lodged under Section 363/365 of the Indian Penal Code is present in Court and is an adult and considering the fact it is claimed on behalf of the lady that she went voluntarily with the petitioner, we deem it appropriate to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, 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 and on further condition that the petitioner shall meet the Investigating Officer once in a month till the conclusion of the investigation and on condition that the petitioner shall appear every day before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including

cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)