

29.03.2023

28

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1302 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Raghunathganj** Police Station Case No. **1114** of **2022** dated **28.12.2022** under Sections 363/365 of the Indian Penal Code, 1860.

And

In Re : Simol Sk @ Ajnabi Sekh

..... petitioner

Mr. Arnab Chatterjee
Mr. Anisur Rahaman
Ms. Dhanasree Biswas
Ms. Poulomi Bose

....for the petitioner

Mr. Arijit Ganguly
Mr. Avik Ghatak

....for the State

Victim recorded her statement under Section 164 of the Code of Criminal Procedure (Cr. P. C.) claiming that the petitioner abducted and kidnapped her. She was kept in an unknown locality. She was recovered by the police from a public place.

The recovery memo is witnessed by two persons and it speaks of the recovery of the victim from a public place.

The 164 Cr.P.C. statement is not corroborated by the recovery memo to the extent of the victim being taken to an unknown place.

The Court is informed that the age of the petitioner is 22 years.

In such circumstances, considering the age of the victim, we are of the view that allowing the police to take him into custody may affect him psychologically. That apart, the materials in the case diary do not suggest custodial interrogation of the petitioner.

In such circumstances, we 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 a fortnight till the conclusion of the investigation and on condition that the petitioner shall appear on every date 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.)

(Md. Shabbar Rashidi, J.)

