

27.04.2023

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1803 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kaliyaganj** Police Station Case No. **550** of **2022** dated **28.11.2022** under Sections 364(A)/120B of the Indian Penal Code, 1860.

And

In Re : Bappa @ Bappaditya Dutta

..... petitioner

Mr. Kunal Ganguly

....for the petitioner

Mr. S. S. Imam

Mr. R. Jana

....for the State

Petitioner claims false implication.

Learned advocate appearing for the petitioner submits that, the petitioner subscribed to a scheme in which the de-facto complainant was the collecting agent.

Learned advocate appearing for the State draws the attention of the Court to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.).

In his statement, the victim claims that he was selling the product of his company to a customer, when he was abducted by two persons.

The case diary does not contain the statement of the customer with whom the victim was speaking to at the time of

the abduction. Obviously, the victim as the marketing agent would be knowing the potential customer and its whereabouts.

In such circumstances, in view of the lack of corroboration of the 164 Cr.P.C. statement, 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 month 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.)

