

19.09.2023
SL. 6+7
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 2443 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Karimpur** Police Station Case No. **46** of **2023** dated **02.03.2023** under Sections **363/365/420/406/34** IPC.

And

In the matter of: **Saddam Mondal @ Saddam Hossain Mondal & Anr.**

....petitioners.

with

C.R.M. (A) 2717 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Karimpur** Police Station Case No. **46** of **2023** dated **02.03.2023** under Sections **363/365/420/406/34** IPC.

And

In the matter of: **Sahanaj Pail**

....petitioner.

Mr. Sabir Ahmed
Mr. Amanul Islam
Mr. Sourav Mukherjee

...for the petitioners
in both the applications.

Mr. Swapan Banerjee
Ms. Purnima Ghosh

...for the State
in CRM (A) 2443 of 2023.

Md. Anwar Hossain
Ms. Sreyashee Biswas

... for the State
in CRM (A) 2717 of 2023.

1. Heard learned Counsel for the parties.
2. As both the applications for anticipatory bail arise out of the same P.S. Case, they are taken up for disposal by this common order.
3. From the materials on record, we do not *prima facie* find any

constituent of offence under Sections 363/365 IPC so far as the petitioners in both the aforesaid anticipatory bail applications are concerned.

4. So far as the three victims in both the aforesaid applications are concerned, they are stated to have paid Rs. 1,12,000/- each to the petitioner no. 1 in CRM (A) 2443 of 2023 and the petitioner in CRM (A) 2717 of 2023. From such fact also, we are of the view that *prima facie* offence under Sections 406/420 IPC are not attracted as such payment can be explained towards the expenses of visa, flight charges, interregnum stay etc.
5. Taking into consideration the aforesaid facts, vide our order dated 20.07.2023 we had directed the petitioners in both the aforesaid applications to appear before the I.O. and cooperate in the investigation.
6. Today, learned Counsel for the State filed a report submitted by the I.O. and it is found from the report that the petitioners are cooperating in the investigation.
7. The report submitted by the learned Counsel for the State be taken on record.
8. Regard being had to the facts and submission, factum of permanent residence of the petitioners, nature of allegation, cooperation of the petitioners in the investigation and substantial progress in investigation, it is directed that each of the petitioner in both the applications shall be released on bail in the event of their arrest by the Arresting Officer in the aforesaid P.S. case on such terms and conditions as deemed

just and proper in the facts and circumstances of the case including the conditions that:

i) The petitioners in both the applications are directed to appear before the I.O. once in a fortnight on the day and time fixed by the I.O. for the purpose of investigation till submission of Final Form.

9. Within 21 days from today, petitioners in both the applications are directed to appear before the I.O. along with a server copy or certified copy of this order.

10. Accordingly, the prayer for anticipatory bail is allowed.

11. The applications being **CRM (A) 2443 of 2023** and **CRM (A) 2717 of 2023** are disposed of.

12. The I.O. is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

