

04.10.2023

SL. 8

Court No. 29

Sourav

(Rejected)

C.R.M. (A) 3121 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Pukhuria** Police Station Case No. **48** of **2023** dated **19.02.2023** under Sections **363/365** IPC (corresponding to G.R. Case No. 423 of 2023).

And

In the matter of: **Mahi @ Mahiruddin**

....petitioner.

Mr. Asim Kumar Chakraborti

...for the petitioner.

Mr. Joydeep Roy

Mr. Amanul Islam

...for the State.

1. Heard learned Counsel for the parties.
2. The petitioner is stated to be a labour contractor without licence from the appropriate authority of the Labour Department. He used to take labourer to outside the State for their engagement.
3. In the present case, the petitioner had taken the victim to Telengana. Some of the labourers returned and the petitioner also returned from Telengana. But noting is known regarding whereabouts of the victim.
4. Learned Counsel for the State submits that the police party of the concerned P.S. had gone to Telengana and Maharashtra as the mobile location of the victim was found to be there in Maharashtra. The mobile phone of the victim could be recovered from a stranger but no information about the victim could be ascertained.
5. Regard being had to be gravity of offence and the nature of

charge, we are not inclined to exercise our discretion in favour of the petitioner under Section 438 Cr.P.C.

6. Accordingly, the prayer for anticipatory bail is rejected.
7. The application being **CRM (A) 3121 of 2023** is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

