

25.09.2023
ML. 297
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 3905 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Titagarh** Police Station Case No. **169** of **2015** dated **02.03.2015** under Sections **364/506** IPC (corresponding to G.R. Case No. 1179 of 2015).

And

In the matter of: **Mritunjoy Sarkar**

....petitioner.

Mr. Debasis Kar

...for the petitioner.

Mr. Swapan Banerjee
Ms. Purnima Ghosh

... for the State.

1. Heard learned Counsel for the parties.
2. The petitioner is the husband of the victim. The petitioner is alleged to have sold the victim in Bihar but except her statement recorded under Section 164 Cr.P.C, we do not find any corroborative material regarding sale of the victim in Bihar where she was kept in a house under supervision of an old lady who was feeding her. From there, the victim is stated to have slipped to Howrah taking advantage of the situation.
3. The question of kidnapping etc., in respect of which the evidence is deficient, in our *prima facie* view, it is better to be left to be decided by the learned Trial Court.
4. Charge-sheet is stated to have been filed in the meantime.
5. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation, nature of evidence and completion of investigation, it is directed that the petitioner shall surrender before the learned

Additional Chief Judicial Magistrate, Barrackpore, North 24 Parganas in G.R. Case No. 1179 of 2015 arising out of the aforesaid P.S. case within 15 days from today. On his appearance and application for bail, he shall be released on bail on such terms and conditions as deemed just and proper in the facts and circumstances of the case.

6. Accordingly, the prayer for the anticipatory bail is allowed.
7. The application being **CRM (A) 3905 of 2023** is disposed of.
8. Learned Additional Chief Judicial Magistrate, Barrackpore, North 24 Parganas is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

