

04.10.2023
Sl. No.19
akd
[ALLOWED]

C. R. M. (DB) 3632 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 12.09.2023 in connection with AJC Bose B. Garden Police Station Case No.186 of 2023 dated 21.08.2023 under Sections 364A/506 of the Indian Penal Code. (G.R. Case No.4060 of 2023)

And

In Re: **Sk. Ayub @ Sekh Ayub**

... .. Petitioner

Mr. Prabir Kumar Mitra
Mr. Pinak Kumar Mitra
Ms. Subhanwita Ghosh

... .. for the petitioner

Ms. Anasuya Sinha
Ms. Subashree Patel

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 45 days. It is further submitted there was business transaction between the parties. De-facto complainant had failed to pay his outstanding dues. As a result, petitioner has been falsely implicated. Further detention for progress of investigation is not necessary. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail. She submits an employee of the de-facto complainant's company was abducted and money was demanded.
3. We have considered the materials on record. We have also considered the statement of the victim who was abducted. Allegation in the FIR as well as his statement shows that the dispute arose out of a commercial transaction. Petitioner owed money from the de-facto complainant's company. As money was not paid he had abducted one of his employees. Employee has since been recovered and his statement recorded under Section 164 of the Code of Criminal Procedure.

4. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion though further detention of the accused/petitioner for progress of investigation is not necessary, his movement requires to be restricted in order to prevent tampering with evidence and/or intimidating witnesses.
5. Therefore, the accused/petitioner, namely **Sk. Ayub @ Sekh Ayub**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Howrah subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner, while on bail, shall not enter the district of Howrah except for the purpose of attending court proceedings and shall report to the Officer-in-charge, Nandigram Police Station within whose jurisdiction he ordinarily resides once in a week until further orders.
6. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
7. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)