

D/L 276
February 3, 2023
MNS

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (A) 39 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 06.01.2023 in connection with Boxirhat P.S. Case No. 468 of 2022 dated 31-10-2022 u/s- 365/34 of the I. P. C.

And

In the matter of: Monai Uddin Seikh and another

.... petitioners

Mr. Subhasish Misra,
Mr. Swarup Das

... for the petitioners

Mr. A. S. Chakraborty,
Mr. S. S. Sikdar

... for the State

Learned counsel for the petitioners contends that the victim has already been recovered.

Learned counsel for the State opposes the prayer for anticipatory bail and submits that the statement under Section 164 of the Code of Criminal Procedure clinches the case against the present petitioners with regard to the allegation that the victim was kidnapped by the petitioners and a ransom amount was asked for by the petitioners.

Keeping in view the fact that the victim has been recovered and in the light of the nature of allegations, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, CRM (A) 39 of 2023 is allowed, thereby granting anticipatory bail to the petitioners on condition that the petitioners

shall satisfy the stipulations in Section 438(2) of the Code of Criminal Procedure.

In the event of arrest, the petitioners shall be released on bail upon furnishing bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Tufanganj. The petitioners shall not enter into the territorial jurisdiction of the police station where the victim resides permanently during the entire period of investigation, apart from meeting the Investigating Officer. The petitioner shall meet the Investigating Officer once in a fortnight.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)