

01.03.2023

Sl. No.36
akd
[ALLOWED]

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C. R. M. (A) 158 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 17.02.2023 in connection with Tufanganj Police Station Case No. 956 of 2022 dated 17.11.2022 under Sections 363/365/109 of the Indian Penal Code.

And

In Re: **Hyder Bepari @ Hydar Ali**

... .. Petitioner

Mr. Hillol Saha Podder

... .. for the petitioner

Mr. Ujjwal Luksom
Ms. Namrata Das

... .. for the State

It is submitted on behalf of the petitioner that there was a love affair between the parties. Victim has been recovered.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Allegation of kidnapping requires to be assessed in the light of the aforesaid submission made on behalf of the petitioner. That apart, victim has already been recovered. Under such circumstances, we are of the opinion custodial interrogation of the accused/petitioner may not be necessary and he may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the accused/petitioner, namely **Hyder Bepari @ Hydar Ali**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition

that the petitioner shall appear before the court below and pray for regular bail within four weeks from date.

The application for anticipatory bail is, thus, disposed of.

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)