

03.07.2023
Item no.68
Court No.1.
AB
(Allowed)

Calcutta High Court
In the Circuit Bench at Jalpaiguri

CRM (A) No.461 of 2023

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Mathabanga Police Station Case No.91 of 2023 Dated 18.2.2023 under Section 364A of the Indian Penal Code

And

In the matter of : Faruk Abdulla Mia Petitioner.

Mr. Subhasish Misra,
Mr. Swarup Das for the Petitioner.

Mr. Kallol Acharjee,
Mr. Biswaroop Roy for the State.

The allegation is under Section 364A IPC i.e., kidnapping for ransom.

The petitioner says that he has lent money to the victim's husband. When he demanded the money back, this false case has been initiated against him at the instance of the borrower.

We have seen the statements of witnesses in the case diary including the statement of the victim recorded under Section 164 Cr.P.C. It does not mention demand for any ransom.

On an overall assessment of the facts and circumstances of the case, although investigation is yet to be completed, we are of the view that immediate custodial

interrogation of the petitioner is not necessary so long as he cooperates with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner, namely Faruk Abdulla Mia shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders and on further condition that he shall report to the Investigating Officer of the concerned Police Station once in a week till submission of final form.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M. (A) No.461 of 2023 is, thus, allowed.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)

