

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

08.12.2023.
20/tkm

C.R.M. (A) 981 of 2023

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Dinhata P.S case no. 213 of 2020 dated 27.6.2020 under sections 364A/120B IPC.

and

In Re : Ruku Islam @ Bappa & Ors. ... petitioners

Mr. S Misra
Mr. Swarup Das

..... for the petitioners

Mr. A S Chakraborty, Id APP
Mr. Tapan Bhattacharjee

..... for the State

1. Heard learned Advocate for the parties.
2. We have considered the materials on record. Allegations are very grave and there are materials implicating the petitioners in the crime. We deprecate the practice of filing repeated applications for pre-arrest bail and thereafter withdrawing them. This gives an opportunity for shopping forum. Be that as it may, we have looked into the prayer for anticipatory bail on merits.
3. Learned counsel contends that loan had been advanced to the de facto complainant who failed to repay the loan. Proceeding under section 138 of the NI Act was instituted. In retaliation the present case has been lodged.

4. At the first blush the aforesaid submission may gives an impression of false implication but deeper analysis of the factual matrix shows the pre-existing monetary claim was the motive on the part of the petitioners to take law in their own hands and abduct the victim. Victim was abducted and money was sought to be extorted.

5. In view of the daring conduct of the petitioners we are of the opinion, grant of anticipatory bail would send a wrong signal and encourage similar cases of kidnapping in order to extort money from claimants.

6. In the light of the aforesaid circumstances we are of the opinion this is not a fit case to grant anticipatory bail to the petitioners.

7. Accordingly, prayer for anticipatory bail is rejected.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)