

14.03.2024
24
Ct. No. 29
S.D.
Allowed

C.R.M.(A) 919 of 2024

In Re:- In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Domkal** Police Station Case No. **713 of 2023** dated **14.10.2023** under Sections **363/365/34** of the Indian Penal Code.

And

In Re : **Faijul Mondal & Ors.**

..... petitioners

Ms. Shabana Hasin

Ms. Neha Roy

Ms. Samina Akter Banu

...for the petitioners

Mr. Subham Kanti Bhakat

...for the State

The petitioners pray for anticipatory bail.

Learned advocate for the petitioners submits that, the petitioners were falsely implicated. He refers to paragraph 5 of the application for anticipatory bail which speaks about an earlier police complaint against the son of the petitioner no. 2. He submits that the son of the petitioner no. 2 obtained bail by the Jurisdictional Court in such police case on November 7, 2023.

Learned advocate for the State draws the attention of the Court to the materials in the case diary.

Victim recorded a statement under Section 164 of the Cr.P.C. She claims that she was kidnapped and kept in confinement for 18 days and subsequently rescued by the police.

The date of the kidnapping is October 6, 2023. The police complaint lodged before the police is dated October 14, 2023. There is a time gap of 8 days from the date of the alleged kidnapping to the date of the lodgement of the police complaint. The police complaint does not contain any explanation as to the delay in the lodging such complaint.

Materials in the case diary show that the victim was recovered from a bus stand.

There is an earlier police complaint between the private parties also.

In such circumstances, we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. The petitioner no. 1 will report before the Investigating Officer once a fortnight till the conclusion of the investigation and the petitioner nos. 2 to 4 will cooperate with the investigation till the conclusion of the investigation. The petitioners shall appear on every date before the Jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the

petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)