

03.01.2024
Item No.70
Ct. No. 29
CHC
Allowed

C.R.M.(A) 4382 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Tehatta** Police Station Case No. **691** of **2023** dated **29.08.2023** under Sections **363/365/34** of the Indian Penal Code.

And

In the matter of : Alam Sk & anr.

..... petitioners

Ms. Karabi Roy
....for the petitioners

Mr. Bidyut Kumar Roy,
Ms. Sima Biswas
....for the State

Mr. Asraf Mandal
...for the de facto complainant

Petition is taken up for consideration subsequent to the order dated October 16, 2023 passed by the co-ordinate Bench.

By such order, the coordinate Bench granted interim anticipatory bail to the petitioners.

It is submitted at the bar that, such order was passed without consulting the materials in the Case Diary and in view of the ensuing Puja Vacation.

We perused the materials in the Case Diary.

The victim and the petitioner are adults.

Victim recorded her statement under Section 164 of the Criminal Procedure Code where she stated that she entered into a relationship with the petitioner.

As to whether the relationship was on the parameters as claimed by the victim or not is an issue which will be decided at the trial, if so raised.

The statement recorded under Section 164 of the Criminal Procedure Code does not make out a strong case of abduction or kidnapping.

In such circumstances, we confirm the interim order dated October 16, 2023 passed by co-ordinate Bench.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) 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 and on further condition that the petitioner no.1, namely, Alam Sk will report before the Investigating Officer once in a month till the conclusion of investigation and petitioner no.2, namely, Jale Bibi @ Jalema Bibi will cooperate with the investigation and on condition that 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.

CRM(A) 4382 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)