

03.01.2024

Sl.96

Court No.29

(AD)

(Allowed)

C.R.M. (A) 4426 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kaliachak** Police Station Case No.**613 of 2023** dated **26.05.2023** under Sections **363/365/364A/120B/34** of the Indian Penal Code, 1860, corresponding to G.R. Case No.3311 of 2023.

And

In the matter of: **Masidur Rahaman**

....petitioner.

Mr. Rana Mukhopadhyay
Mr. Rhiddhiman Mukherjee

... for the petitioner.

Mr. Soumik Ganguli

...for the State.

The application for anticipatory bail is taken up for consideration subsequent to the order dated October 16, 2023 passed by the Coordinate Bench.

By such order, the interim anticipatory bail was granted to the petitioner.

It is submitted at the bar that such order was passed without considering the materials in the case diary and in view of the ensuing puja vacation.

We considered the materials in the case diary.

Learned Advocate appearing for the petitioner submits that three persons were taken outside Bengal for the purpose of execution of job. After seven days they refused to work. The cost of their travel and stay was sought to be recovered. The petitioner was falsely implicated.

Learned Advocate appearing for the State refers to the statement of the complainant recorded under Section 164 of the

Code of Criminal Procedure. He also submits that, two other co-accuseds were arrested.

In his statement, the complainant acknowledges the petitioner as the labour contractor. He also acknowledges that he was asked to work at a different locations.

Victims are adults.

The allegations of extortion of Rs.1,50,000/- is not corroborated by the materials in the case diary.

It is claimed that such amount was transferred on the digital platform. The digital platform, however, shows the payment of Rs.20,000/-. Such amount, apparently, is the cover for the cost of three victims staying for seven days at different locations.

In such circumstances, we confirm the interim order dated October 16, 2023.

Accordingly, we direct that in the event of arrest, the petitioner shall 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner will report before the Investigating Officer once a month till the conclusion of the investigation and on condition that the petitioner 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 petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

Accordingly, the prayer for anticipatory bail of the petitioner is

allowed.

C.R.M. (A) 4426 of 2023 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)