

04.01.2024

Serial no. 67

Anticipatory bail

[Allowed]

Dd

CRM (A) 4481 of 2023

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Suri** Police Station Case No **353** of **2023** dated **17.08.2023** under Sections **365 and 34** of the Indian Penal Code, 1860 read with Sections **25/27 and 35** of the Arms Act, 1959.*
(G.R. Case No. 1057/2023)

-And-

*In the matter of : **Hamidul Rahaman***

*... .. **Petitioner***

*Mr. C.S. Bag,
Mr. Bimal Sil,
Mr. Soupal Chatterjee,
Ms. Sucheta Banerjee, Advocate
... .. For the Petitioner*

*Mr. Rudradipta Nandy, APP
Mr. Subrato Roy, Advocates
... ..For the State*

Petition is taken up for consideration subsequent to order dated October 16, 2023.

By such order, interim anticipatory bail was granted by the co-ordinate Bench.

It is submitted at the Bar that the co-ordinate Bench did not consider the materials in the case diary and passed such order in view of the ensuing Puja vacation.

We perused the materials in the case diary.

Learned advocate appearing for the petitioner submits that the petitioner is falsely implicated. Petitioner is a member of the State Legislative Assembly. The police complaint is a result of political rivalry.

Learned advocate appearing for the State draws the attention of the Court to the statements recorded under Section 164 of the Criminal Procedure Code of the son of the two

victims as well as statements recorded under Section 161 of the Criminal Procedure Code.

Apparently, two persons were stated to be kidnapped at the direction of the petitioner.

Petitioner was not present at the time of the so-called kidnapping.

Even by the version of the two victims, they came into contact with the members of the public in the transit that they claimed that they undertook at the material point of time. No explanation appears as to how they did not obtain help from the members of the public. There is cloud of suspicion as to how they came out of the alleged kidnapping.

In such circumstances, issue of false implication cannot be ruled out.

Consequently, we confirm the interim order granted on October 16, 2023.

Consequently, we grant anticipatory bail to the petitioner.

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 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 shall report before the Investigating Officer as and when called for till the conclusion of the investigation and on further 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.

Prayer for anticipatory bail of the petitioner is **allowed**.

CRM (A) 4481 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)