

09.01.2024
206
Ct. No. 29
S.D.
REJECTED

C.R.M.(A) 4742 of 2023

In Re:- In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Khanakul** Police Station Case No. **177** of **2023** dated **22.3.2023** under Section **363/365** of the Indian Penal Code.
And

In Re : Falu Samanta @ Samir Samanta @ Felu & Anr.
..... petitioners

Mr. Niladri Sekhar Ghosh
Mr. Sourav Mondal
Ms. Sompurna Chatterjee
Ms. Labani Sikder
....for the petitioners

Mr. Imran Ali
Ms. Debjani Sahu

...for the State

The application for anticipatory bail is taken up for consideration subsequent to the order dated October 17, 2023 by the Coordinate Bench.

By such order dated October 17, 2023, the petitioner was enlarged on an interim anticipatory bail.

It is submitted at the bar that, the order granting interim anticipatory bail was passed just prior to the ensuing puja vacation without considering the materials in the case diary.

We perused the materials in the case diary.

Learned advocate appearing for the petitioners submits that the petitioners were falsely implicated. The victim was an employee under the petitioners. The victim left with gold

belonging to the petitioners. Such gold were sought to be recovered from the victim.

Learned advocate appearing for the State draws the attention of the Court to the statement recorded under Section 164 of the Cr.P.C. of the victim and two eyewitnesses recorded under Section 161 of the Cr.P.C.

The victim stated in his statement under Section 164 of the Cr.P.C. that the victim was an employee of the petitioners. The victim was kidnapped and kept at a place and thereafter rescued by the police.

The incident of kidnapping was witnessed by a person who recorded a statement under Section 161 Cr.P.C. corroborating the narration of events by the victim.

Although Police filed charge sheet, considering the gravity of the offence and the involvement of the petitioners in the incident as transpiring from the materials in the case diary, we are unable to confirm the order dated October 17, 2023 or to grant anticipatory bail to the petitioners and the prayer of anticipatory bail is rejected.

The application being CRM (A) 4742 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

