

04.11.2024
84
SG
[ALLOWED]

C. R. M. (A) 3749 of 2024

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Baishnabnagar Police Station Case No. 585 of 2024 dated 24.06.2024 under Sections 365/368 of the Bharatiya Naya Sanhita.

In Re: Md. Alom Sekh @ Alam Sk.

... .. Petitioner

Mr. Mazahar Hossain Chowdhury,
Ms. Chandrima Debnath

... .. for the petitioner

Mr. Debasish Roy,
Mr. Saryati Dutta,
Mr. Asif Dewan.

... .. for the State

1. Petitioners submit *de facto* complainant's husband Aijul Sk. owed money to him. Owing to this dispute petitioner has been falsely implicated in the case. He prays for anticipatory bail.

2. Learned Public Prosecutor opposes the prayer for anticipatory bail.

3. We have considered the materials on record including statement of said Aijul Sk. From the statement it appears Aijul had been abducted and confined. But he was not recovered by police. Possibility of false implication owing to prior monetary transaction cannot be ruled out. As the missing person has already been recovered, custodial interrogation for progress of investigation is not necessary.

4. Under such circumstances, we are inclined to grant anticipatory bail to the petitioner.

5. Accordingly, we direct that in the event of arrest, the petitioner viz., Md. Alom Sekh @ Alam Sk. be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023. He shall appear before the court below and pray for regular bail within four weeks from date.

6. The application for anticipatory bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)