

24.01.2024
ML-416
Court No.29
(AD)
(Rejected)

C.R.M. (A) 5128 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bidhannagar (South)** Police Station Case No.**270 of 2023** dated **12.10.2023** under Sections **387/506/120B** of the Indian Penal Code, 1860 (G.R. Case No.1091 of 2023).

And

In the matter of: **Sabatullah Khan**

....petitioner.

Mr. Arkadyuti Pahari
Mr. Kaustav Das

... for the petitioner.

Mr. Debashis Roy, Ld. PP
Mr. R. Jana

...for the State.

Mr. Soumyajit Das Mahapatra (through video conference)
Mr. Avishek Mukherjee
Ms. Madhurai Sinha

... for the de facto complainant.

Petitioner prays for anticipatory bail.

Learned Advocate appearing for the petitioner draws the attention of the Court to the fact that the police complaint was lodged after an order passed under Section 156(3) of the Code of Criminal Procedure. He refers to such police complaint and submits that only one paragraph contains allegations as against the petitioner. De facto complainant delayed approaching the Criminal Court. The incident alleged is of 2017.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary.

Learned Advocate appearing for the de facto complainant submits that from time to time, the petitioner blackmailed the de facto complainant and extracted a sum in excess of Rs.11 lacs.

We perused the materials in the case diary.

Apparently, there were transactions between the de facto complainant and other co-accuseds with regard to gold. Role ascribed to the petitioner before us is administration of psychotropic substance upon the de facto complainant rendering him unconscious. Subsequent actions of the petitioner as against the de facto complainant are also spoken of.

Police complaint makes out a case for investigation.

Enlarging the petitioner on anticipatory bail at this stage will be inimical to such investigation.

In such circumstances, we are unable to grant anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

C.R.M. (A) 5128 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)