

22.04.2024
SL No.209
Court No.1
(gc)
(Allowed)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

CRM (A) 312 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Naxalbari Police Station Case No.21 of 2024, dated 03.02.2024 under Sections 365/364A/34 of the Indian Penal Code corresponding to GR Case No.400 of 2024.

And

In the matter of : **Punam Pradhan**

- Petitioner.

Mr. Dibya Dristi Adhikari
... For the Petitioner.

Mr. Ujjwal Luksom,
Ms. Namrata Das
... For the State.

1. The learned Counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated. It is further submitted that the dispute arises out of a commercial transaction and the complainant has completely misinterpreted and has filed a false complaint against the petitioner.
2. The learned Counsel for the State, however, opposes the prayer for anticipatory bail and submits that the petitioner has abducted and kidnapped the victim and had demanded money for her release.
3. Considering the materials available in the case diary and the nature of involvement of the petitioner in the

commission of alleged offence and the nature of transaction revealed from the statement of the victim recorded under Section 164 of the Cr.P.C. and also that the ingredients of Section 364A, prima facie, is lacking, we are inclined to grant anticipatory bail to the petitioner.

4. Accordingly, we direct that in the event of arrest, the present accused/petitioner, namely, **Punam Pradhan**, be released on bail upon furnishing a bond of Rs.10,000/-, with two registered sureties of like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. It is further ordered that the petitioner shall meet the Investigating Officer as and when called for. It is further directed that the petitioner shall not leave the territorial jurisdiction of district Darjeeling without obtaining leave of the trial Court till the submission of the final report and shall cooperate with the investigation.
5. The application for anticipatory bail is, thus, disposed of.
6. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J.)

(Partha Sarathi Sen, J.)