

20.12.2024
(D/L 26)
Ct. No.1
(Allowed)
(BKN)

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

C.R.M.(A) 987 of 2024

In Re:- An application for anticipatory bail under Section 482 of the B.N.S.S., 2023 in connection with Sitalkuchi P. S. Case No. 536 of 2024 dated 12.11.2024 under Sections 137(2)/140(3) of the B.N.S., 2023, pending before the Additional Chief Judicial Magistrate, Mathabhanga, Coochbehar.

In the matter of : Md. Kabir Hossain Miya @ Kabir
Hossain

... Petitioner

Mr. Swarup Das,

... for the petitioner

Mr. Nilay Chakraborty, Ld. APP.,
Mr. Biswarup Roy

... for the State

1. Heard learned counsel for the petitioner and the learned APP.
2. As per the complainant's version his daughter has been forcibly taken away by the accused who happens to be a grandson of the present petitioner.
3. Learned counsel for the petitioner submits that the petitioner is aged about seventy six years of age. The alleged victim (a major) and the petitioner's grandson have in fact solemnized marriage in Haryana. The petitioner has given intimation regarding the whereabouts available to the petitioner to the S.D.P.O, Mathabhanga on 18th December, 2024.
4. The learned A.P.P has opposed the prayer for bail.

5. Considering the nature of allegations, the petitioner being seventy six years old and the claimed bonafides of the petitioner based on the fact that he has intimated the whereabouts of his grandson to the police authorities, we are inclined to allow the prayer for anticipatory bail.
6. Accordingly, it is directed that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal procedure, 1973.
7. It is further directed that the petitioner shall not tamper with evidence and/or influence the witnesses in any manner whatsoever.
8. In the event, the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned Court below shall be at liberty to cancel his bail without any further reference to this Court.
9. Accordingly, the prayer for the anticipatory bail is allowed.
10. Within 15 days from today petitioner is directed to appear before the I.O. along with a server copy or certified copy of this order.
11. The application being CRM(A) 987 of 2024 is disposed of.
12. Case Diary be sent back immediately.

13. The Arresting Officer is hereby directed to act upon the server copy or certified copy of this order.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)