

30.04.2025
(D/L 2)
Ct. No.1
Allowed
(Naba)

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
CRM (A) 296 of 2025**

In Re:- An application for anticipatory bail under Section 482 of the Bhartiya Nagarik Suraksha Sanhita, 2023, in connection with **Pradhan Nagar P.S. Case No. 58 of 2016** dated **05.02.2016** under Sections 363/366A of the IPC corresponding to **G.R. Case No. 334 of 2016**.

And

In the matter of : **Azad Alam**

... Petitioner

Mr. Hillol Saha Podder

... for the Petitioner

Mr. Ujjwal Luksom,
Ms. Namrata Das,
Mr. Dhiman Sil

... for the State

1. A translated copy of the F.I.R. has been handed over to the Court, after due service upon the learned State counsel.
2. Heard the learned counsel for the petitioner and the learned State counsel.
3. As per allegations, the complainant's daughter allegedly about 17 years old, has been kidnapped by the present petitioner.
4. The learned counsel for the petitioner submits that the alleged victim is nearly an adult. On her own volition, she has gone with the petitioner to Hyderabad. There

is no allegation whatsoever of any physical or mental abuse being perpetrated by the petitioner. The victim girl has been recovered.

5. The learned State counsel opposes the prayer for anticipatory bail. He has handed over a translated copy of the statement of the victim girl recorded under Section 164 Cr.P.C. corresponding to Section 183 of BNSS.
6. Bare perusal of the statement shows that she has not alleged any mental or physical abuse against the petitioner and has stated about going with the petitioner on her own volition.
7. Considering the rival submissions, the nature of allegations, which does not involve any mental or physical abuse being perpetrated on the alleged victim, her own statement recorded under Section 164 Cr.P.C. corresponding to Section 183 of BNSS, which *prima facie* belies the allegations in the F.I.R., this Court is inclined to allow the prayer for anticipatory bail.
8. 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 482(2) of the

BNSS, 2023 including the condition that the petitioner is directed to appear before the IO once in a week on the day and time fixed by the IO for the purpose of investigation till submission of Final Form.

9. It is further directed that the petitioner will not tamper with evidence and/or threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order.
10. In the event, the petitioner fail to comply with the aforesaid directions without any justifiable cause, the learned Trial Court shall be at liberty to cancel the bail without any further reference to this Court.
11. Accordingly, the prayer for the anticipatory bail is allowed.
12. The application being **CRM (A) 296 of 2025** is disposed of.

(Madhuresh Prasad, J.)