

17. 15.09.2021

Ct.32

Tanmoy

Allowed

C.R.M. 5441 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **13/08/2021** in connection with **Arsha Police Station Case No. 39/21** dated **22/04/2021** under Sections **379/411/414/120B** of the Indian Penal Code read with Sections **21(1)(4)** of the Mines & Minerals (R&D) Act, 1957.

And

In the matter of: - **Nikhil Chandra Mahato**

...petitioner.

Mr. Soumik Ganguly,
Mr. Dilip Kr. Sadhu,
Mr. Avik Kr. Das

...for the petitioner.

Mr. Sudip Ghosh, Ld. Govt. Adv.,
Mr. Bitasok Banerjee

...for the State.

The allegation is essentially of theft of sand from riverbeds in the State of West Bengal.

The petitioner says that he is the owner of one of the tractors which was seized by the Police. Nine other tractor owners, who have also been implicated, have been granted anticipatory bail by the learned trial Court. He stands on the same footing.

Learned Advocate for the State produces the Case Diary. We have seen the material therein including the seizure list.

On an overall assessment of the material on record and the nature and gravity of the alleged offence, we are of the view that although charge-sheet is yet to be submitted, immediate custodial interrogation of the petitioner may not be necessary so long as he co-operates with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner, *viz.*, **Nikhil Chandra Mahato** 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 shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application being C.R.M. 5441 of 2021 is, accordingly, disposed of.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)