

17.08.2021

Court No.28
Item No.10
(ALLOWED)

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**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT
JALPAIGURI**

(Via Video Conference)

CRM 657 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 10.06.2021 in connection with Kotwali Police Station Case No. 129 of 2021 dated 14.03.2021 under Sections 365/379/325/307/34 of the Indian Penal Code;

And

In the matter of : **Paritosh Bose and another.**
...Petitioners

Mr. Pravas Bhattacharya.
...For the Petitioners

Mr. Abhijit Sarkar,
Mr. Biswarup Roy.
...For the State.

The Advocate on Record of the petitioners undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking the application is taken up for hearing.

Apprehending arrest in connection with Kotwali Police Station Case No. 129 of 2021 under Sections 365/379/325/307/34 of the Indian Penal Code, the petitioners have filed the instant application for anticipatory bail.

The petitioner no. 1 is the owner of a truck while the petitioner no. 2 is an agent of the registered owner of another truck. The said two trucks were hired to bring the betel nuts from Mizoram.

The allegation is that on their way back to Siliguri, the two trucks were intercepted by the petitioners. The petitioners directed the drivers to get down from the said two trucks and entrusted two other drivers to drive them away. The said drivers were also allegedly assaulted by the petitioners.

From the submission made by the learned Advocate for the

State, it is clear to us that the owner of the betel nuts is a third party company who did not lodge any complaint against the theft of the said articles rather goods were returned to the said company by an order of the Court.

On perusal of the case diary, we find that the nature of injury of the said two drivers of the trucks is absolutely simple and no superficial injury was even found.

For the reasons stated above, we do not find any complicity against the present petitioners and they are entitled to the benefit of Section 438 of the Code of Criminal Procedure.

Accordingly, in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer of the concerned police station and on conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with further condition that the petitioners shall meet the Investigating Officer as and when called for.

The application for anticipatory bail being CRM 657 of 2021 is thus **allowed**.

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)