

CRM (A) 200 of 2022
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Sanjit Sarkar**

..... petitioner

Mr. Avik Ghatak
Mr. Soham De Dhara

.....For the petitioner

Mr. Swapan Banerjee
Ms. Purnima Ghosh

.....For the State

Apprehending arrest in connection with Coke Oven Police Station Case No. 113 of 2021 dated 02.07.2021 under Sections 379/411/120B of the Indian Penal Code, the present application has been preferred.

Mr. Ghatak, learned advocate appearing for the petitioner submits that there is an existing mining lease between the petitioner and the State and the petitioner was acting in compliance with the conditions as incorporated in the said lease which is valid till 7th March, 2022. The petitioner's vehicle was, however, intercepted and a complaint was lodged to the effect that the said vehicle was being utilized for transportation of sand from the banks of Damodar River. The petitioner has no involvement in the offence alleged.

He further submits that in compliance with the earlier order of this Court, the petitioner duly met with the investigating officer.

He also submits that in the said conspectus, custodial interrogation of the petitioner may not be necessary and he may be granted anticipatory bail on any stringent condition.

Mr. Banerjee, learned advocate appearing for the State submits that in terms of the earlier order of this Court, the petitioner met with the investigating officer and the registration certificate of the concerned tractor was seized from the petitioner. Let the report, as produced, be kept on record.

Heard the learned advocates appearing for the respective parties.

Considering the nature of accusations and as the petitioner has complied with the earlier direction of this Court, we are of the opinion that custodial interrogation is not necessary.

Accordingly, we allow this application and direct that in the event of arrest the petitioner, namely, **Sanjit Sarkar** 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.

It is further directed that the petitioner shall not tamper with the evidence and/or intimidate the witnesses. He shall also attend learned Court below on all the dates, as specified for hearing.

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, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM (A)200 of 2022, is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)