

38 04.04.2022
AD Ct. No.29
(Allowed)

C.R.M. (DB) 866 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Criminal Misc. Case No.266 of 2022 arising out of **Joypur** P.S. Case No. **23 of 2022** dated **18/02/2022** under Sections **379/411/413/414/120B** of the Indian Penal code, 1860 now pending as G.R. Case No.377 of 2022 before the Learned Chief Judicial Magistrate, Purulia.

And

In the matter of: Sushen Kumar Nayak & Ors.

....petitioners.

Mr. Pawan Kumar Gupta
Mr. Sougata Mitra
Ms. Sofia Nesar
Ms. Ankita Dey
Mr. Santanu Sett

...for the petitioners.

Mr. Sujan Chatterjee

...for the State.

Petitioners seek bail.

Learned Advocate appearing for the petitioners are in custody for 45 days. The petitioners are the drivers of the vehicles. The owners are yet to be apprehended. Two other co-accuseds were granted bail on March 31, 2022.

Learned Advocate appearing for the State submits that despite several raids, the owners could not be apprehended. Apparently, the petitioners were arrested from a spot, where it was alleged that illegally carried coals were being stored. The petitioners claimed themselves to be the drivers of the vehicle.

In such circumstances, as drivers, the petitioners cannot be said to be standing on the same footing as that of the owners and the persons otherwise masterminding or being involved in the crime.

Considering the period of detention of the petitioners and considering their relationship with the owners as drivers of the vehicles, we grant bail to the petitioners.

Accordingly, the petitioners be released on bail upon furnishing a Bond of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Chief Judicial Magistrate, Purulia, subject to the condition that during bail the petitioners shall meet the Investigating Officer once a week till the conclusion of the investigation and that the petitioners shall appear before the learned trial court on the date fixed till disposal of the trial and that the petitioners shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioners fail to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

Report submitted in Court be taken on record.

The application for bail being **C.R.M. (DB) 866 of 2022** is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)