

25.04.2022
Sl. 37
Court No.29
sourav
(Allowed)

C.R.M. (A) 1864 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Galsi** Police Station Case No. **451** of **2021** dated **30.08.2021** under Sections **379/427** of Indian Penal Code.

And

In the matter of: **Sk. Firoj Ali**

....petitioner.

Mr. Milon Mukherjee, Sr. Adv.
Mr. Santanu Talukdar

...for the petitioner.

Mr. Ranabir Ray Chowdhury
Mr. Sandip Chakraborty

...for the State.

Petitioner prays for anticipatory bail.

Learned senior advocate appearing for the petitioner draws the attention of the Court to the provisions of Section 16-D of the Petroleum and Minerals Pipelines Act, 1962. He submits that provisions of Section 438 of the Criminal Procedure Code, 1973 will not apply in the event, if the allegations are in respect of offences punishable under Section 15(4) of the Act of 1962. He refers to the charge-sheet submitted. He submits that it is alleged as against the petitioner that the petitioner is the alleged recipient of stolen petroleum products and the petitioner allegedly stored the same. He submits that such allegations do not come within the ambit of Section 15(4) of the Act of 1962. Moreover, the police filed charge-sheet. The materials were seized by the police. Therefore, custodial interrogation of the petitioner is not required.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary and the charge-sheet submitted.

It appears, stolen petroleum products were seized from the possession of the petitioner. The police filed charge-sheet.

The nature of allegations in the charge-sheet do not imply commission of an offence under Section 15(4) of the Act of 1962 as against the petitioner.

Consequently, the bar under Section 16-D of the Act of 1962 is not attracted in the factual scenario of the present police complaint.

Considering the fact that the police filed charge-sheet and considering the gravity of the offence and the involvement of the petitioner therein, we enlarge the petitioner on anticipatory bail.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a Bond of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties of like amount each, 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 and on condition that the petitioner shall appear every day before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in

Court including cancelling the anticipatory bail granted without further reference to this Court.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 1864 of 2022 is, thus disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

