

22.06.2022

22
Ct. No. 29
KAUSHIK
REJECTED

C.R.M.(A) 2904 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Joypur** Police Station Case No. **23** of **2022** dated **18.02.2022** under Sections 379/411/413/414/120B of the Indian Penal Code.

And

In Re : Shyamlal Gope @ Shyamalal Gope

..... petitioner

Mr. Manjit Singh

Ms. Sudipta Majumdar

Mr. Gaganjyot Singh

Mr. Biswajit Mal

....for the petitioner

Mr. Sudip Kumar Ghosh

Mr. Bitasok Banerjee

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner is not being named in the First Information Report (FIR). None of the materials seized belongs to the petitioner. It is not even alleged that the petitioner was present at the locale where the raid took place. The petitioner is sought to be falsely implicated.

Learned advocate appearing for the State submits that, a raid was conducted on February 18, 2022 whereupon 12 loaded vehicles containing coal were seized. He contends that, there

are materials in the case diary, which implicates the petitioner. He submits that, three independent witnesses named petitioner as the person involved in the racket. He submits that, the petitioner is still absconding.

Learned advocate for the petitioner submits that, in the event, the co-accused made a statement against the petitioner, then the same of the petitioner should transpire in the FIR itself.

There are materials in the case diary implicating the petitioner. The investigations are yet to be concluded. The allegations are of coal smuggling.

Considering the gravity of the offence and the materials in the case diary, we are unable to grant anticipatory bail to the petitioner.

Accordingly, prayer for anticipatory bail of the petitioner is rejected and the application being CRM (A) 2904 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)