

06.01.22

(S.R.)

Sl.09

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Purulia(M)** Police Station Case No.74 dated 01/04/2021 under Sections 406/407/408/420/379/120B of the Indian Penal Code;

And

In re: Mushtaque Alam

... petitioner.

Mr. Navanil De
Mr. R. Chakraborty

... for the petitioner.

Mr. Sudip Ghosh
Mr. Bitasak Banerjee

...for the State.

Mr. De, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. He is the owner of one of the trucks from which allegedly a portion of the consignment was unloaded and spurious goods were mixed up. No overt act has been attributed to the petitioner. Owners of other trucks involved in the same alleged incident, have already been granted anticipatory bail by the learned court below. In view thereof, the petitioner may be granted anticipatory bail. Let the information slips, as produced, be kept on record.

Mr. Ghosh, learned advocate appearing for the State opposes the petitioner's prayer and submits that there are materials which reveal the direct involvement of the petitioner in the alleged offence and in support of such contention, he has drawn our attention to the statements of the witnesses. He further submits that investigation is still continuing and as such, the petitioner is not entitled to the relief, as prayed for.

Heard the learned advocates and considered the materials in the case diary. Upon assessment of the materials on record, *prima facie*, we find that the extent of complicity of the petitioner is similar to that

of other truck owners who have been granted anticipatory bail. Considering the nature of allegations and other attending circumstances, we are of the opinion that custodial interrogation is not necessary.

Accordingly, we direct that in the event of arrest the petitioner will 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 with a further condition that the petitioner shall meet with the investigating officer once in a week till investigation is complete.

It is further directed that the petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever and shall attend the learned trial court on all the dates specified for haring.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel his bail without any further reference to this Court.

The application for anticipatory bail being CRM No.7884 of 2021 is, accordingly, 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.)