

24.08.2022

Sl.7

Court No.29

(AD)

(Allowed)

C.R.M. (A) 3945 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Arsha** Police Station Case No. **64 of 2022** dated **08.05.2022** under Sections **379/411/414/120B** of the Indian Penal Code, 1860 and under Section **21(1)(4)** of Mines and Minerals (Development and Regulation) Act, 1957. (G.R. Case No.908 of 2022).

And

In the matter of: **Krishnapada Sahis**

....petitioner.

Mr. Pawan Kumar Gupta

Mr. Tarun Sur

Ms. Sofia Nesar

Mr. Santanu Sett

...for the petitioner.

Ms. Zareen N. Khan

Mr. Ashok Das

...for the State.

Petitioner prays for anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner stands on the same footing as that of the co-accused who was enlarged on anticipatory bail by the order dated August 10, 2022 passed in CRM (A) 3805 of 2022. He refers to the e-road challan.

Learned Advocate appearing for the State submits two reports. He submits that although, there is an e-road challan in favour of the petitioner, the same is in respect of a particular riverbed while the vehicle was seized at a distance of about five kilometers of the riverbed. He points out that the permission was for two hours in the evening while the vehicle was seized in the next morning.

There subsists an e-road challan in favour of the petitioner. Whether or not the petitioner violated the provisions

of the law in keeping the vehicle loaded with the sand at the particular point of time when the vehicle was seized, is an issue which is required to be decided at the trial.

In such circumstances, we grant anticipatory bail to the petitioner.

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 will report before the Investigating Officer once a fortnight till the conclusion of the investigation and on condition that the petitioner shall appear on every date 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) 3945 of 2022 is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)