

21.01.2022
Item no. 05
Court No.32
Avijit Mitra

C.R.M. 8619 of 2021 (Through Video Conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal;

And

In Re : Madhusudan Paul @ Madhusudan Pal

.... petitioner

Mr. Saryati Datta

....for the petitioner

Ms. Anasuya Sinha,

Mr. Pinak Kumar Mitra

..... for the State

Apprehending arrest in connection with Posta Police Station Case No.145 of 2021 dated 26.10.2021 under Sections 420/269/272/120B of the Indian Penal Code, the present application has been preferred.

Mr. Datta, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in the alleged incident. The petitioner has no nexus with the goods and materials which were being carried in the concerned truck. He is ready and willing to extend all cooperation to the Investigating Agency. In the said conspectus, the petitioner may be granted anticipatory bail on any stringent condition.

He further submits that the petitioner's name has transpired on the basis of co-accused's statement and nothing was seized from the petitioner.

Ms. Sinha, learned advocate appearing for the State opposes the petitioner's prayer and submits that the petitioner

is the manufacturer and is directly involved in the alleged offence. The concerned truck was intercepted and the goods were seized on 1st October, 2021 and after obtaining the expert report, the complaint was lodged on 26th October, 2021.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, there are incriminating materials against the petitioner. Considering the seriousness of the offence and since investigation is still continuing, we are not inclined to exercise any discretion in his favour and as such, his prayer for anticipatory bail is refused.

Accordingly, the application for anticipatory bail being C.R.M. No.8619 of 2021 is dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Ajoy Kumar Mukherjee, J.) (Tapabrata Chakraborty, J.)