

CRM (A) 5334 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. 55 of 2022 dated 26.04.2022 under Sections 379/411/414/120B of the Indian Penal Code and under Section 21(1)(4) of the Mines and Minerals (Development and Regulation) Act 1957.

-And-

In the matter of : **Jagadish Mahato**

... .. Petitioner

Mr. Pawan Kr. Gupta, Advocate

Mr. Sougata Mitra, Advocate

Ms. Sofia Nesar, Advocate

Mr. Ankita Dey, Advocate

... .. For the Petitioner

Mr. Sudip Ghosh, Advocate

Mr. Bitasok Banerjee, Advocate

... ..For the State

Petitioner seeks anticipatory bail.

There is a road e-challan for sand/riverbed material transport of the same date when the vehicle was seized.

It is the contention of the State that the seizure took place beyond the validity period of the road challan.

Road challan contains a period of validity. Apparently, the seizure was made subsequent thereto.

It is the contention of the petitioner that the vehicle was parked at the place of occurrence subsequent to the materials being loaded on the vehicle within the validity period.

The contention of the petitioner raises a triable issue.

In such circumstances, we are inclined to 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 also be 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

in a month till the conclusion of the investigation and on further 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.

Prayer for anticipatory bail of the petitioner is allowed.

CRM (A) 5334 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)