

02.05.2023

Serial no. 28

[Dd]

(Anticipatory bail)

(Rejected)

CRM (A) 1861 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Pingla** Police Station Case No. **338** dated **10.12.2021** under Sections **406/420/506/34** of the IPC. (Corresponding to G.R. case no. 3512/2021)

-And-

In the matter of : **Sk. Janelam Khan @ Jane Alam Khan**

... ..Petitioner

Mr. Ayan Basu,
Mr. Sourav Bera,
Mr. Sumit Routh, Advocate
... .. For the Petitioner

Mr. Ranabir Roy Chowdhury,
Mr. Sandip Chakraborty, Advocates
... ..For the State

Mr. Indrajit Chatterjee, advocate
... .. For the de facto complainant

Petitioner, State and the de facto complainant are represented.

Learned advocate appearing for the petitioner submits that the petitioner was falsely implicated. Petitioner is the owner of a vehicle and, therefore, the petitioner being engaged by the de facto complainant as a driver does not arise. Moreover, there is no document to substantiate the claim of the de facto complainant that the petitioner was engaged as a driver by the de facto complainant.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary and in particular statement recorded under Section 164 of the Criminal Procedure Code.

Learned advocate appearing for the de facto complainant submits that the petitioner and his brother were entrusted with a 12-wheeler truck for the purpose of transport of goods from Haldia to Bangalore. The vehicle is yet to be recovered by the police. The petitioner moved the writ Court.

The materials in the case dairy suggest that the petitioner and his brother were engaged as driver and helper in respect of a vehicle belonging to the de facto complainant. There are statements recorded under Section 161 of the Criminal Procedure Code to such effect, of independent persons. Such vehicle is yet to be recovered by the police.

There is an issue of long absconsion of the petitioner from the police case dated December 10, 2021.

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

Prayer for anticipatory bail of the petitioner is **rejected**.

CRM (A) 1861 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)