

06.06.2023

Sl. 12
Court No. 12
Sourav/
Suvayan
(Allowed)

C.R.M. (A) 2154 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Jhalda** Police Station Case No. **72** of **2022** dated **04.05.2022** under Sections **379/411/413/414/120B** of the Indian Penal Code, 1860 (G.R. Case No. 868 of 2022).

And

In the matter of: **Sangita Dubey**

....petitioner.

Mr. Sourav Chatterjee
Mr. Sougata Mitra

...for the petitioner.

Mr. Rudradipta Nandy, APP
Ms. Sonali Das
Mr. Antarikshya Basu

...for the State.

1. Heard learned Counsel for both the parties.
2. This petition for anticipatory bail being CRM (A) 2154 of 2023 arises out of Jhalda Police Station Case No. 72 of 2022 dated 04.05.2022 under Sections 379/411/413/414/120B IPC.
3. The petitioner who is a lady is the owner of the truck bearing No. WB 55A 8583. The said truck was found loaded with coal by the police party and the driver and helper of the truck were arrested from the spot.
4. It is fairly submitted at the Bar that there is no allegation, however, till date that the coal seized from the truck of the petitioner is stolen stock. However, it is alleged that the coal was being illegally transported by the driver and the helper.
5. Considered the materials placed by learned Counsel for the parties including the statement of the witnesses.
6. From the materials so placed, it is found that only the helper has taken the name of the petitioner to have knowledge about

the transaction but admittedly he is a co-accused. No other witness has whispered a word nor there is any document to prove that the coal in question was being transported by the alleged driver and the helper with the active knowledge of the petitioner.

7. The investigation is stated to have been completed.
8. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of evidence, circumstance involved and completion of investigation in the meantime, the petitioner is directed to appear before the learned Chief Judicial Magistrate, Purulia in G.R. case No. 868 of 2022 with three weeks from today.
9. On his surrender and application for bail, the petitioner shall be released on bail on such terms and conditions as deemed just and proper by the learned Magistrate in the facts and circumstances of the case.
10. Accordingly, the prayer for the anticipatory bail is allowed.
11. The application being **CRM (A) 2154 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

