

02.08.2023

SL. 17

Court No. 29

Suvayan

(Allowed)

C.R.M. (A) 2585 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Bongaon** Police Station Case No. **1058 of 2022** dated **07.10.2022** under Section **406** of the IPC.

And

In the matter of: **Alok Das alias Alope Kumar Das**

....petitioner.

Mr. Angshuman Chakraborty

Mr. S. S. Saha

Mr. Sourav Mukherjee

...for the petitioner.

Ms. Sima Biswas

Ms. Sutapa Dasgupta

...for the State.

1. Heard learned Counsel for both the parties.
2. Considered the materials placed by them including the memo of evidence filed today in Court and report of the I.O. submitted pursuant to order dated 20.07.2023.
3. The report of the I.O. and the memo of evidence filed today in court be taken on record.
4. The FIR was lodged against the present petitioner on the ground that the petitioner had taken the truck in question on hire from the informant but the driver of the truck returned empty handed to the informant without the truck and reported that the present petitioner along with his associates detained the truck near Raygada in Odisha and took the truck from him. The statement of the driver recorded under Section 161 Cr.P.C., however, is totally different and in his such statement he has not taken the name of the present petitioner to have forced him (driver) to leave the truck. From the report of the I.O. it is clear that the petitioner along with driver had gone to the Police Station on receipt of notice and

had produced all the documents required by the I.O.

5. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation, nature of evidence and substantial progress in investigation, it is directed that the petitioner shall be released on bail by the Arresting Officer in the event of his arrest in the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
6. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
7. Within 21 days from today the petitioner shall appear before the I.O. alongwith a server copy/certified copy of this order. If server copy is supplied, learned I.O. shall act upon that.
5. Accordingly, the prayer for the anticipatory bail is allowed.
6. The application being **CRM (A) 2585 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

