

20.09.2023
D/L 5
Ct. No.29
(Rejected)
(SKB)

CRM (A) 3059 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Salanpur P.S. Case No.74 of 2023 dated 17.04.2023 under Sections 379/420/406/407/427/120B of the Indian Penal Code and Section 21 of The Mines and Minerals (Development and Regulation) Act, 1957.

In the matter of : Kazi Zainal Absar and another
... Petitioners

Mr. Subrata Bhattacharyya,
Mr. Indranuj Dutta,
Ms. Shipra Santra
... for the petitioners

Mr. Saibal Bapuli, ld. APP
Ms. Sayanti Santra
... for the State

1. Heard learned counsel for the parties.
2. We had given a chance to the petitioners to co-operate in the investigation and produce the documents, those are in their defence.
3. As it was submitted before us on 21.08.2023 by learned counsel for the petitioners that the petitioners being the proprietor and manager of OTIF-UPB (JV), they were given contract of transportation of coal. From Annexure P2 attached to the present petition, we found that the petitioners under a sub-contract entrusted the work of transportation of coal to the sub-lessee named Md. Khurshid. There are statements of the drivers of the

vehicles on record which indicate that on the instruction of the owner, they have transported sand, etc. instead of coal. As we doubted the genuineness of Annexure P2, we directed the petitioners to appear before the IO and produce Annexure P2.

4. From the report of the IO, we find that the original of Annexure P2 was not produced before the IO though it was directed by the IO to produce the same. It is further found from the report that the original “work order” was also not produced before him.
5. From the materials on record, it is found that the petitioners have tried to defraud the State so far as transportation of coal is concerned and though they were given chance, they did not co-operate with the investigation with clean hands.
6. In view of such fact, we are of the view that custodial interrogation of the petitioners is very much required in the present case.
7. According, the application being CRM(A) 3059 of 2023 is dismissed.
8. The report submitted by the SI of Police, Salanpur PS, ADPC dated 06.09.2023 be taken on record.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)