

11.10.2023
SL. 16
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 3418 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Jorasanko** Police Station Case No. **92** dated **01.06.2023** under Section **408** IPC.

And

In the matter of: **Bijoy Kumar Shaw**

....petitioner.

Mr. Anirban Mitra
Mr. Amit Roy
Mrs. Madhumita Sadhukhan

...for the petitioner.

Mr. Arijit Ganguly
Mr. Avik Ghatak

...for the State.

Mr. Satadru Lahiri

... for the defacto complainant.

1. Heard learned Counsel for the parties.
2. The petitioner was a carrier of goods engaged by the informant. It is alleged that a Rudhraksh Mala woven in gold was handed over to the petitioner to deliver it to a client in Siliguri. To that effect, a challan is there on record and there is statement of one co-carrier who has stated that the Rudhraksh Mala in question was delivered to the petitioner.
3. Learned Counsel for the informant submits that such articles are given to the carrier in good faith and no signature is taken as endorsement showing receipt of the article by the carrier. It is further submitted by the learned Counsel for the informant that though several attempts have been made to raid the house of the petitioner, the police was prevented.
4. We are constrained to say here that interim order was passed in favour of the petitioner on 29.08.2023 only though FIR had

been filed much earlier to that and the police could have taken immediate steps for recovery of the article from the petitioner.

5. Taking into consideration the *prima facie* view of the entire material on record, we do not find any justification for custodial interrogation of the present petitioner.
6. Regard being had to the facts and submission, 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 in the event of his arrest by the Arresting Officer in the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the conditions that:
 - i) The petitioner is directed to appear before the I.O. once in a week on the day and time fixed by the I.O. for the purpose of investigation till submission of Final Form.
 - ii) The petitioner shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order.
 - iii) The petitioner shall not leave the jurisdiction of the P.S. without obtaining prior leave from the I.O. during investigation.
7. Within 21 days from today, petitioner is directed to appear before the I.O. along with a server copy or certified copy of this order.

8. Accordingly, the prayer for anticipatory bail is allowed.
9. The application being **CRM (A) 3418 of 2023** is disposed of.
10. The I.O. is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

