

25.09.2023
D/L 38
Ct. No.29
(Allowed)
(SKB)

CRM (A) 3938 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Jamuria P. S. Case No.147 of 2023 dated 25.03.2023 under Sections 379/411/420/407/120B/34 of the Indian Penal Code corresponding to G.R. Case No.843 of 2023 pending before the learned Court C.J.M., Paschim Bardhaman, Asansol.

In the matter of : Bijoy Chatterjee @ Bijay Chatterjee
... Petitioner

Mr. Koushik Kundu
... for the petitioner

Mr. Rudradipta Nandy, Id. APP
Mr. Subrato Roy
... for the State

1. Heard learned counsel for the parties.
2. The present petitioner is the transporter. He supplied the truck to the informant for facilitating transportation of cement to a consignee in Murshidabad. The consignee gave consent to the informant to take delivery of the consignment in Murshidabad. In the truck of the petitioner, the driver was an employee of the petitioner. From the place of the consignee, the driver informed the informant over telephone that the consignee is not agreeable to take the stock as the same is wet. The informant instructed the driver to comeback with the consignment but he did not comeback and the FIR was lodged. Subsequently, the truck with 52 bags of cement (18 bags short) was recovered from the premises of the

consignee. In the entire transaction, we do not find any role of the petitioner at least, *prima facie*.

3. Charge-sheet is stated to have been filed.
4. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation and completion of investigation, it is directed that the petitioner shall surrender before the learned CJM, Paschim Bardhaman, Asansol in G.R. Case No.843 of 2023 arising out of the aforesaid P.S. case within 15 days from today. On his surrender and application for bail, he shall be released on bail by the aforesaid Court on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
5. Accordingly, the prayer for the anticipatory bail is allowed.
6. The application being CRM(A) 3938 of 2023 is disposed of.
7. The learned court below is hereby directed to act upon the server copy or certified copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)