

03.10.2023
D/L 71
Ct. No.29
(Allowed)
(SKB)

CRM (A) 4004 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Joypur P. S. Case No.23 of 2022 dated 18.02.2022 under Sections 379/411/413/414/120B of the Indian Penal Code (G.R. Case No.377 of 2022).

In the matter of : Santosh Saw

... Petitioner

Mr. Subhankar Biswas,
Mr. Gourab Ghosh

... for the petitioner

Mr. Madhusudan Sur, ld. APP
Mr. Arabinda Manna

... for the State

1. Heard learned counsel for the parties.
2. The present petitioner is stated to be the owner of the truck, which was found to be loaded with stolen coal.
3. It is submitted by learned counsel for the petitioner that prior to the present occurrence, the petitioner had transferred the truck by an agreement to another person but the transaction of transfer in the office of the RTO has not yet been taken up for payment of remaining part of the amount. It is further submitted that the truck was plying under the instruction of the aforesaid transferee and the petitioner had no knowledge about the present case.

4. Learned counsel for the State, on the other hand, submits that the prayers of other truck owners, who are on same footing, have been rejected earlier. It is well settled in law that the application of parity, which is a generic norm of law, is not to be applied in negative.
5. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation 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 G.R. Case No. 377 of 2022 arising out of the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
6. Accordingly, the prayer for the anticipatory bail is allowed.
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. The applications being CRM(A) 4004 of 2023 is disposed of.
9. The Arresting Officer is hereby directed to act upon the server copy or certified copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)