

11.10.2023

ML. 6

Court No. 29

Suvayan

(Allowed)

C.R.M. (A) 4094 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Kulti** Police Station Case No. **339 of 2023** dated **02.07.2023** under Sections **379/411/413/414/120B** of the IPC and Section **21** of the MMDR Act.

And

In the matter of: **Bhombal Banerjee & Anr.**

....petitioners.

Mr. Soumya Basu Roy Chowdhuri

...for the petitioners.

Mr. Madhusudan Sur, APP

Mr. Arabinda Manna

...for the State.

1. Heard learned Counsel for both the parties.
2. Both the petitioners are owner of the tractors which were found to be transporting 100 cft. of sand illegally after excavating the same illegally from the river. From the gist of the FIR it is clear that the petitioners were operating without any license issued by the competent authority.
3. Mr. Sur, learned Additional Public Prosecutor for the State submit that both the petitioners have one criminal antecedent of similar nature.
4. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation, nature of offence and substantial progress in investigation, it is directed that each of the petitioner shall be released on bail by the Arresting Officer in the event of their 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 including the conditions that:

- (i) The petitioners are 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 F.F.

(ii) The petitioners shall not involve themselves in similar or any other offence during the currency of this order.

(iii) In the event such matter is brought to the notice of the Court in seisin over the matter by specific allegation proving such facts by the State, the bail granted by us may be cancelled by the Court in seisin over the matter on the ground of violation of the aforesaid condition.

5. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
6. Within 21 days from today each of 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.
7. Accordingly, the prayer for the anticipatory bail is allowed.
8. The application being CRM (A) 4094 of 2023 is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

