

12.10.2023
ML. 40
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 4129 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Durgachak** Police Station Case No. **91 of 2023** dated **29.05.2023** under Sections **420/406/34** of the IPC.

And

In the matter of: **Haren Kumar Mondal & Anr.**

....petitioners.

Mr. Ashok Das
Ms. Atreyee Halder

...for the petitioners.

Mr. Madhusudan Sur, APP
Mr. Dipankar Paramanick

...for the State.

1. Heard learned Counsel for both the parties.
2. The petitioners are the owners of two trucks which was given on lease to Stella Express and Logistics Private Limited. The authorities of Mahalaxmi Ennore Coke and Power Private Limited is the informant. It is alleged that the trucks of the petitioners were loaded with coke in Orissa for delivery in Haldia. There is found to be en route pilferage and contamination of the consignment. The petitioners being the owner of the trucks and having leased the trucks in favour of the transporter, we do not find any direct link of the petitioners in the transactions though they may be held liable vicariously.
3. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation 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.
4. The concerned Arresting Officer is hereby directed to act upon

the server copy of this order.

5. Within 21 days from today each of the petitioner shall appear before the I.O. along with a server copy/certified copy of this order. If server copy is supplied, learned I.O. shall act upon that.
6. Accordingly, the prayer for the anticipatory bail is allowed.
7. The application being CRM (A) 4129 of 2023 is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

