

27.12.2023
SL No.10
Court No.8
(rp/gc)

CRM(A) 5627 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with Sankrail Police Station Case No.1144 of 2022 dated 08.11.2022 under Sections 419/420/467/468/469/471/408/120B of the Indian Penal Code.

And

In the matter of: **Shri Gurucharan Singh Puniya**

.Petitioner.

Mr. Sabyasachi Banerjee,
Mr. V.V.V. Sastry,
Ms. Priyanka Sarkar

... For the Petitioner.

Mr. Rudradipta Nandy, Ld. A.P.P.,
Ms. Sayanti Santra

... For the State.

Mr. Sanjay Banerjee,
Mr. Joydeep Bhattacharjee

...For the De-facto Complainant.

1. The learned Counsel for the petitioner has submitted that the petitioner does not have any connection with the instant case. He is being harassed by the police authorities. He had already moved the Hon'ble High Court at Meghalaya, seeking pre-arrest bail. Some protection was granted for a limited period. There is no seizure of incriminating materials from the petitioner's hardware store/godown. The matter went up to the Hon'ble Supreme Court at the instance of the defacto complainant in relation to a proceeding initiated by a supplier. The supplier was granted interim protection although the order of the High Court, quashing the

proceedings had been set aside. Learned Counsel prays for anticipatory bail.

2. The learned Counsel appearing for the de-facto complainant has submitted that by order dated 18.08.2023, a Hon'ble Coordinate Bench of this Court rejected the prayer for anticipatory bail of the transporters, namely, Manish Chugh and Pankaj Jain, on the ground that they were not cooperating with the investigating agency.
3. The learned Counsel appearing for the State has raised strong objection. According to him, the concerned driver's statement recorded under Section 164 of the Code of Criminal Procedure mentions that at the factory/godown of the petitioner, the GI pipes had been delivered, instead of delivering the same at Meghalaya. As such, there are sufficient incriminating materials against the present petitioner. The learned Counsel for the State prays for rejection of his prayer for anticipatory bail.
4. Perused the case diary and other materials on record.
5. Considered.
6. After going through the case diary and other materials on record, it appears that in spite of acquiring knowledge of alleged unloading of the GI pipes at the petitioner's godown, from the statements recorded under Section 164 of the Code of Criminal Procedure, there was neither any raid at the godown nor was there any seizure of incriminating materials from the factory/godown of the petitioner.

7. Considering all the aspects, we think that this is a fit case for granting anticipatory bail to the petitioner on conditions that in the event of arrest he shall be released on bail upon furnishing a bond of Rs.50,000/- (Rupees Fifty Thousand) with two local sureties of Rs.25,000/- each, to the satisfaction of the Arresting Officer. He shall comply with the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and shall cooperate with the Investigating Officer of the case and shall appear before the Investigating Officer once a fortnight.
8. The petitioner shall deposit his passport with the Investigating Officer within a week from date. In case the petitioner does not possess a passport, he shall file a declaration to that effect and he shall not leave the country without prior permission from the learned jurisdictional court. In case of violation of any of the conditions, the police authorities may take steps in accordance with law.
9. CRM (A) 5627 of 2023 is, accordingly, allowed and disposed of.
10. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Apurba Sinha Ray, J.)

(Shampa Sarkar, J.)