

06.08.2024
Court No.29
Item No. 62

sg

CRM (A) 2682 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the BNSS, in connection with Kanksa Police Station Case No. 166 of 2024 dated 30.05.2024 under Sections 420/407/468/471/120B34 of the Indian Penal Code.

And

In Re: **Haraprasad Dey @ Tinku Dey**
Petitioner

Mr. Dipanjan Chatterjee
Mr. Rohit Prasad
Ms. Rimpa Adhikari
Ms. Kakan Das

For the Petitioner

Mr. Madhusudan Sur
Mr. Sachit Talukdar

For the State

1. The learned Counsel for the petitioner submits that the petitioner is innocent and he is no way connected with the alleged offence. It is submitted that surprisingly the investigating agency has not proceeded against Rakesh Daga who is claimed to have acted as a middle man between the petitioner and the de facto complainant.
2. The learned Counsel for the State in opposing the prayer for anticipatory bail has referred to the FIR and the documents to show that the petitioner is the owner of Sri Sai Carriers and a consignment note was prepared by the Sri Sai Carriers and promised to be delivered to the destination. However, the proprietor, in connivance with the driver has used a fake vehicle number and since then the said truck could not be located. The goods have not yet been delivered or recovered. Moreover, the vehicle number and the driver's name

appear to be fake as upon investigation it transpires that the owner of the vehicle is one Arvind Yadav and who is not way connected with the present petitioner.

3. Considering the materials available in the case diary, the compliant which discloses prima facie an offence read with along other incriminating materials disclosed in the case diary including the payment through net banking in the name of Sri Sai Carriers, we are not inclined to grant anticipatory bail to the present petitioner.
4. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Soumen Sen, J.)

(Uday Kumar, J.)