

07.08.2024
Sl No.33
Court No.29
TN
(Allowed)

CRM (A) 2700 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973, corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Joypur Police Station Case No. 23 of 2022 dated 18.02.2022 under Sections 379/411/413/414/120B of the Indian Penal Code.

And

In the matter of : **Nageshwar Saw**

.... petitioner

Mr. Subhankar Biswas,
Mr. Gourab Ghosh

....for the petitioner

Mr. Joydeep Biswas,
Mr. Prakash Mishra

... for the State

1. The learned counsel for the petitioner submits that he is a driver of the vehicle which has been seized by the investigating agency and he is innocent.
2. The learned counsel for the State in opposing the prayer has submitted that the petitioner along with others are involved in coal smuggling. It is further submitted that the petitioner is also not standing on same footing as Santosh Saw who was granted anticipatory bail by a coordinate Bench on the ground that prior to the date of incident, he had transferred the truck to another person.
3. Considering the materials available in the case diary, the nature and extent of complicity of the petitioner in the commission of the alleged offence and having regard to the

fact that the owner of the vehicle has been enlarged on bail and all incriminating materials have already been seized and moreover charge sheet has been filed on 30th April, 2024, we are inclined to grant anticipatory bail to the petitioner.

4. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Nageshwar Saw** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973, corresponding to Section 482(2) of the BNSS, 2023.
5. It is further directed that the present accused petitioner shall appear before the learned Chief Judicial Magistrate at Purulia within two weeks from date and pray for regular bail.
6. It is further directed that the petitioner shall appear each and every date of hearing before the jurisdictional court on and from the date fixed for appearance of the accused and in default the jurisdictional court will pass appropriate order to secure presence of the petitioner in court including cancelling the anticipatory bail granted without further reference to this court.
7. Accordingly, the application for anticipatory bail is disposed of.

8. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)