

03.01.2024

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Ct. No. 29
S.D.
Allowed

C.R.M.(A) 4453 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Raniganj** Police Station Case No. **676** of **2021** dated **30.12.2021** under Section 379/411/413/414/188/120B of the Indian Penal Code read with Section 4/21 of the Mines & Minerals Act and Section 15 of the Environment Protection Act.
And

In Re: Sri Dayamay Banerjee

..... petitioner

Mr. Partha Ghosh
Mr. Amal Kumar Dtta
Ms. S. Sureka
Mr. Debashis Das

....for the petitioner

Mr. Sudip Ghosh
Mr. Koushik Kundu

....for the State

The application for anticipatory bail is taken up for consideration subsequent to the order dated October 16, 2023, passed by the Coordinate Bench.

By such order dated October 16, 2023, the petitioner was enlarged on an interim anticipatory bail.

It is submitted at the bar that, the interim anticipatory bail was passed just prior to the ensuing puja vacation without considering the materials in the case diary.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated. The petitioner is the owner of the vehicle.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary. He submits that, the petitioner is engaged in illegal mining of sand and selling it for profit.

Materials in the case diary suggest that the petitioner is involved in illegal mining of sand. Police filed charge sheet.

Considering the fact that the police filed charge sheet and the fact that the police did not take measures to secure his arrest, we confirm the interim order dated October 16, 2023.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner shall appear on every date 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 the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

