

07.10.2024
SL No.39
Court No.29
(SSS)
(Allowed)

CRM (A) 3603 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Arsha Police Station Case No.97 of 2024 dated 13.08.2024 under Sections 303(2) and 317 (2) of the Indian Penal Code.

And

In the matter of Kailash Chandra Panda

- Petitioner.

Mr. Uttam Banerjee,
Mr. Arunesh Pathak, Advs.
.....For the petitioner.

Mr. Paras Bhattacharya,
Mr. Atanu Ghosh, Advs.
....For the State.

1. The petitioner is the owner of the vehicle. It is submitted that instead of production of required documents, a false case has been lodged against the petitioner. Learned Counsel for State has submitted that the owner of Mahaprabhu Chandrakana has stated that he has not sold any potato to the petitioner and the potato as claimed to have been loaded by the petitioner is false.
2. Considering the materials available in the case diary and having regard to the extent and nature of the dispute and involvement of the petitioner in the commission of alleged offence and having regard to the fact that the potatoes have been seized and all the required documents have also been seized, we

are of the view that custodial interrogation of the petitioner is not necessary.

3. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Sri Kailash Chandra Panda** shall be released on bail upon furnishing a bond of Rs.10,000/- each, 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. The petitioner shall deposit the mobile with the Investigating Officer for forensic examination within 24 hours without tampering with the said mobile. It is further directed that the petitioners shall appear before the learned Sessions Judge, Purulia in connection with G.R. Case No. 1546 of 2024 and pray for regular bail within two weeks from date.
4. Accordingly, the application for anticipatory bail is disposed of.
5. We make it clear that in the event the petitioners fail to appear before the I.O once in a fortnight on the date and time fixed and fails to cooperate in the investigation, the Opposite Party shall be entitled to apply for cancellation of bail. Charge sheet has also not been filed.

6. 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.)