

16.08.2024.

Item No. 21

Court No.1

ap

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE*

C.R.M. (A) No. 550 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 filed on 18.07.2024 in connection with Banarhat Police Station Case No. 78 of 2024 dated 21.03.2024 under Sections 411/413/468/120B of the Indian Penal Code.

And

In the matter of: **Hanumant Vishwanath Bargaje**. ..Petitioner

Mr. Sudip Guha.

...For the petitioner

Mr. Abhijit Sarkar,
Ms. Namrata Das.

....For the State

1. The application for anticipatory bail is canvassed on the ground that the sections included in the FIR are not applicable in the facts of the case.
2. Admittedly, the vehicle in question is owned by the petitioner, who runs a Transport Company.
3. It is the case of the prosecution that an additional separate number plate was found behind the registered and displayed number plate on the vehicle in question.
4. Upon verification by the Police, in course of investigation, it transpires that the vehicles bearing two registration numbers in fact belonged to the petitioner.
5. It appears from records that the driver of the vehicle, who was detained, was enlarged on bail after twenty days of the incident. There are no stolen goods recovered from the vehicle in question.

6. In the above circumstances, this Court is of the view that Sections 411 and 413 may not have any application in the facts of the case.

7. In view of the above, this Court is of the opinion that the petitioner is entitled to anticipatory bail.

8. It is directed that in the event of arrest, the petitioner shall be released on bail to the satisfaction of the arresting officer upon furnishing a personal bond.

9. This order is subject to the conditions laid down in sub-section (2) of Section 438 of the Code of Criminal Procedure corresponding to Section 482(2) of the BNSS, 2023.

10. The Case Diary be returned.

11. C.R.M. (A) No. 550 of 2024 is, thus, disposed of.

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

(Ajay Kumar Gupta, J.)

(Rajasekhar Mantha, J.)