

52 27.03.2019
Aloke Court 28

C.R.M. 3354 of 2019

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 19.03.2019 in connection with Dinhata P.S. Case No.124 of 2019 dated 16.03.2018 under Sections 406/420/506/34 of the Indian Penal Code.

And

In the matter of: Nisith Pramanik

...Petitioner

Mr. Debasish Roy
Mr. Sudip Guha
Mr. Anindya Ghosh

... for the petitioner

Mr. Debajyoti Deb

... for the State

Rejected

It is submitted on behalf of the petitioner that he has been falsely implicated in the instant case as he is a candidate on behalf of a rival political party in the ensuing Parliamentary Elections and the FIR has belatedly registered against him although the incident occurred in 2018.

Learned counsel for the State opposes the prayer for anticipatory bail and submits that petitioner has induced number of unemployed youths to part with money on the false promise of giving employment in Gr.D post of the State Government.

We have considered the materials on record. Numerous statements have been recorded under Section 161 Cr.P.C. disclosing the role of the petitioner in inducing unemployed youths to part with money on the false promise of giving public employee.

In view of the numerous complaints lodged against the petitioner with regard to cheating unemployed youths by abusing his political affinity with the State administration and as the petitioner is an influential person in the locality, delay in lodging first information report is understandable and cannot be said to be fatal in the facts of the case. Accordingly, we are of the opinion that in view of the gravity of the offence involving receipt of moneys by petitioner for securing public employment, we are of the opinion that this is not a fit case to

grant anticipatory bail to him.

The application for anticipatory bail is, accordingly, rejected.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Manojit Mandal, J.)

(Joymalya Bagchi, J.)