

07.12.2020
tkm/ct 28
sl no. 74

**C.R.M. 9868 of 2020
(via video conference)**

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Gazole P.S case no. 296 of 2020 dated 10.7.2020 under sections 406/420/120B of the IPC

Allowed

and

In Re : Md. Robiul Islam & Ors. petitioners

Mr. S Chakraborty

Mr. A Bose

Mr. D Mandal

..... for the petitioners

Mr. Ranabir Roy Chowdhury

Mr. M Gupta

..... for the State

It is submitted on behalf of the petitioners that there is dispute between the parties over management of the college. Allegation of misappropriation of funds was levelled against the de facto complainant in 2017. In retaliation the present allegations have been made.

Learned lawyer for the State opposes the prayer for anticipatory bail and submits that the petitioners had withdrawn a sum of Rs. 15 lakh but have not accounted for the said sum of money.

We have considered the materials on record. There are claim and counter-claim between the parties with regard to management of the affairs of the college. Judging accusation levelled against the petitioners in the light of the pre-existing enmity inter se, we are of the opinion custodial interrogation of the petitioners may not be necessary. Issue relating to settlement of accounts may require co-operation of the petitioners with the investigational process.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs. 10,000/- each with two sureties of like amount each, 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 and on further condition that while on bail petitioners shall meet the investigating officer once in a week until further orders.

The application being CRM 9868 of 2020 is disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)