

CRM 2270 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Bagnan Police Station Case No.29 of 2021 dated 19-01-2021 under Sections 409/420/406/506/34 of the Indian Penal Code.

- A n d -

In the matter of : Bhupal Mani & Anr.

.... Petitioners.

Mr. Ayan Bhattacharjee,
Mr. Sharequl Haque,
Mr. Aditya Ratan Tiwary,
Mr. Amitabrata Hait,
Mr. Aniruddha Bhattacharyya

... For the Petitioners.

Mr. Rana Mukherjee, learned APP,
Ms. Sujata Das,
Mr. Suman Saha

... For the State.

Learned counsel for the petitioners contends that the charges levelled against the petitioners are in connection with money drawn by the petitioner no.2 to purchase a vehicle in the name of the petitioner no.1. However, although the allegation is that the defalcation was in respect of the fund of the NGO, the vehicle itself is being used by the NGO and is at present lying with the NGO itself.

Learned counsel further submits that the petitioners are willing to cooperate with the investigation and, as such, in view of the recovery of the vehicle itself, the apprehension of the petitioners is not necessary.

Learned Additional Public Prosecutor, however, submits that in the circumstances of the case, there are clear components of evidence in favour of the presumption that defalcation was actually committed by the petitioners. Apart

from statements under Section 161 of the Code of Criminal Procedure, there are several money receipts in the custody of the investigating authorities which indicate the alleged defalcation having actually been committed.

As such, upon considering the submissions and the rival contentions of the parties, we are of the opinion that in a case of present nature, mere recovery of the vehicle cannot be said to absolve the petitioners of the allegation or the charges clamped against them. Moreover, the State is justified in seeking custodial interrogation of the petitioners in view of the nature of the defalcation alleged. Accordingly, there is no merit in the present application for anticipatory bail. Hence, CRM 2270 of 2021 is dismissed in view of the above observations.

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

(Bivas Pattanayak, J.) (Sabyasachi Bhattacharyya, J.)