

02.08.2021

Court No.30

rpan /08

C.R.M.2425 of 2020

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure;

And

In Re : **Bal Krishna Jha @ Balak Jha**
- Petitioner.

Md. Sabir Ahmed,
Md. Nauroz Rahber,
Ms. Anjana Meheub,
Mr. Jawad Alam
... for the petitioner.
Mr. Sudip Ghosh,
Mr. Bitasok Banerjee
... for the State.

Apprehending arrest in connection with Goalpokher Police Station Case No.438 of 2019 dated 13.12.2019 under Sections 406/409/34 of the Indian Penal Code, the petitioner has filed the present application.

Heard Md. Ahmed, learned advocate appearing for the petitioner.

Records reveal that by an order dated 12th March, 2020, a co-ordinate Bench of this Court directed that the petitioner shall not be arrested in connection with the case, upon recording the submission of the petitioner that a portion of the funds withdrawn from the society has been credited as a fixed deposit in favour of the society and that utilization certificates with regard to remainder of funds have been annexed to the petition. By the said

order, the investigating agency was also directed to verify the facts and to submit a report.

Mr. Ghosh, learned advocate appears for the State and submits a report. Let the same be kept on record.

A perusal of the said report reveals that an amount of ₹3,60,000/- had been fixed as term deposits in the name of the society and that the utilization certificates and vouchers have been found to be genuine. However, investigation is still continuing.

In view thereof, we are of the opinion that custodial interrogation of the petitioner is not warranted in the facts and circumstances of the case.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Bal Krishna Jha @ Balak Jha** shall be released on bail upon furnishing a bond of ₹10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further conditions that the petitioner shall cooperate with the investigation and meet with the Investigating Officer of the case once in a week on and from 9th August, 2021 until further orders.

The application for anticipatory bail, being CRM No.2425 of 2020, is, thus, disposed of.

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

(Subhasis Dasgupta, J.)

(Tapabrata Chakraborty, J.)