

CRM No.6706 of 2021

Via video conference

06.12.21

(S.R.)

Sl.15

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Matia** Police Station Case No.02 of 2021 dated 02/01/2021 under Sections 420/406/409 of the Indian Penal Code (G.R. Case No.37 of 2021);

And

In re: Sahanawaz Baidya

... petitioner.

Mr. Sabir Ahmed

Md. Yousuf Ali

... for the petitioner.

Mr. Swapan Banerjee

Ms. Purnima Ghosh

...for the State.

Mr. Shahan Shah

... for the Investor.

The present petition is filed by the petitioner prying for bail after 274 days of custody.

Mr. Ahmed, learned lawyer for the petitioner submitted that the entire matter is result of misunderstanding; the petitioner has already paid some of the aggrieved persons their dues through the bank. Necessary documents in this regard are annexed to the bail application. It is further submitted by the learned lawyer that once released, he will pay all the dues, as alleged by the concerned complainants or aggrieved persons.

Per contra, Ms. Ghosh, learned lawyer representing the State submitted that actual amount of defalcation is Rs.12,56,000/- and not what is stated in the written complaint of Rs.6,80,000/-. Since huge amount of money had been defalcated or misappropriated by the petitioner allegedly, it is not proper to release him on bail at this stage.

We have heard rival submissions and perused the case diary. It comes to our notice that along with bail application certain notes are annexed said to be executed by the concerned persons who stated

therein that they have received various amount of money from the present petitioner through the bank. It appears that bail application of the present petitioner was rejected earlier and at that material point of time, he was in custody.

We have perused the case diary and we find that allegation is very serious and strong incriminating materials are there against the present petitioner. The offence is in public nature.

On perusal of the case diary and other materials and after hearing both the parties, we are not inclined to allow bail to the petitioner and the same stands rejected with the directions to the learned court below to consider the charge sheet and expedite the trial preferably within a period of six months from the date of receiving the order.

The application for bail being CRM No.6706 of 2021 is, accordingly, dismissed.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)