

CRM 6710 of 2021
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Rosanara Khatun**

..... petitioner

Mr. Kallol Mondal
Mr. Surajit Basu
Ms. Amrita Chel

.....For the petitioner

Mr. Madhusudan Sur, Ld. APP
Mr. Manoranjan Mahata

.....For the State

Apprehending arrest in connection with Harishchandrapur Police Station Case No. 738 of 2021 dated 25.09.2021 under Sections 420/406/409/34 of the Indian Penal Code, 1860, the present application has been preferred.

Mr. Mondal, learned advocate appearing for the petitioner submits that the petitioner is the Karmadhakshya of Harischandrapur – I Panchayat Samity. She has been falsely implicated. The allegations are omnibus in nature and no overt act has been attributed to the petitioner pertaining to misappropriation of funds.

He further submits that as regards the issue of misappropriation of funds, the petitioner herself submitted a representation before the concerned Block Development Officer stating, *inter alia*, with her signature was forged. One co-accused, namely, Sujata Saha (Das) [in short, Sujata], who is the leader of the Opposition of the concerned Panchayat Samity and is similarly situated with the petitioner, has been

granted anticipatory bail by a coordinate Bench of this Court. The principal accused is one Koyel Das [in short, Koyel] and she has also been granted anticipatory bail by a coordinate Bench of this Court. In view thereof, custodial interrogation of the petitioner is not warranted.

Mr. Sur, learned Additional Public Prosecutor appearing for the State opposes the petitioner's prayer and submits that there are incriminating materials against the petitioner pertaining to the issue of misappropriation of public money to the tune of more than three crores and investigation is still continuing.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary including the orders passed by the coordinate Benches of this Court. It appears that Sujata was granted anticipatory bail on 10th November, 2021 observing *inter alia* that '*the evidence are largely documentary in nature*'. Subsequent thereto, one Koyel was granted anticipatory bail on 30th November, 2021, placing reliance upon the order passed in favour of Sujata.

Upon assessment of the role of the petitioner, *prima facie*, it does not appear that she is similarly situated with Sujata and Koyel. In our view, as the misappropriation pertains to a huge amount of public money to the tune of more than three crores and since the petitioner was the Karmadhakshya of the concerned Panchayat Samitiy, custodial interrogation would be necessary for proper investigation of the case. Considering the seriousness of the

offence, the amount of public money involved and the extent of complicity of the petitioner in the alleged incident, we are not inclined to exercise any discretion in her favour. As such, her prayer for anticipatory bail is refused.

Accordingly, the application being CRM 6710 of 2021 stands rejected.

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.)