

CRM No.7197 of 2021

Via video conference

02.12.21

(S.R.)

Sl.515

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Nakashipara** Police Station Case No.434 of 2018 dated 10/08/2018 under Sections 420/406/408/468/471/34 of the Indian Penal Code;

And

In re: Ratan Ghosh

... petitioner.

Mr. Sandip Chakraborty

Mr. Balaram Datta

Mr. Kaustav Das

... for the petitioner.

Mr. Swapan Banerjee

Ms. Purnima Ghosh

...for the State.

Mr. Chakraborty, learned advocate appearing for the petitioner submits that the petitioner was a job supervisor pertaining to works under the MGNREGS Scheme. No overt act has been attributed to the petitioner. The Pradhan of the concerned Gram Panchayat had already been enlarged on bail on 11th October, 2021. In the said conspectus, the petitioner may be granted anticipatory bail on any stringent condition.

Mr. Banerjee, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary and submits that a huge amount under the MGNREGS Scheme had been misappropriated and as, investigation is still continuing, the petitioner's prayer needs to be rejected.

We have heard the learned advocates and considered the materials in the case diary.

It appears that though the FIR was lodged in the year 2018, investigation is still continuing. *Prima facie*, it does not appear that the petitioner would flee from justice or interfere with the investigation.

In view thereof, we are of the opinion that custodial detention of

the petitioner is not warranted in the facts and circumstances. However, his movement needs to be restricted.

Accordingly, we direct that in the event of arrest the petitioner will be released on bail upon furnishing a bond of Rs.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 with a further direction that the petitioner shall meet with the investigating officer twice in a week on and from 6th December, 2021 till the investigation is complete.

It is further directed that the petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel his bail without any further reference to this Court.

The application for anticipatory bail being CRM No.7197 of 2021 is, accordingly, disposed of.

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.)