

17.12.2021
Sl. No.84
akd
[Rejected]

C. R. M. 8104 of 2021

[via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 17.11.2021 in connection with Harishchandrapur Police Station Case No.545 of 2021 dated 22.07.2021 under Sections 420/406/409/34 of the Indian Penal Code. (G.R. Case No.1694 of 2021)

And

In Re: **Afsar Hossain**

... .. Petitioner

Mr. Ayan Bhattacharyya
Mr. Subhendu Bhattacharjee

... .. for the petitioner

Mr. Arindam Jana

... .. for the victim

Mr. Arijit Ganguly
Mr. Sanjib Kumar Dan

... .. for the State

It is submitted on behalf of the petitioner that he is neither the Pradhan nor the Upa-Pradhan of the Panchayat. It is further submitted that the petitioner did not play any role in the defalcation of funds allotted for flood victims. It is also submitted that co-accused namely, Monoranjan Das has been granted pre-arrest bail by this court.

Learned advocate appearing for the State opposes the prayer for anticipatory bail.

Learned advocate appearing for the victim also opposes the prayer for anticipatory bail.

We have considered the materials on record. Statements of witnesses show that the petitioner and other influential members of the locality had played prominent role in the preparation of the fictitious list of beneficiaries whereby the funds were misappropriated. In view of the

role played by the petitioner in the alleged crime and as he does not stand on the same footing with co-accused namely, Monoranjana Das, who has been granted pre-arrest bail by this court, we are of the opinion that this is not a fit case to grant anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)