

24.12.2021

Serial no. 20

Dd

(Through Video Conference)

CRM 8738 of 2021

In re : An Application for **anticipatory bail** under Section **438** of the Code of Criminal Procedure 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, corresponding to G.R. No. **1694 of 2021**.

-And-

In the matter of : **Md. Motahar Mandal** **Petitioner**

Mr. Kallol Mondal,
Ms. Amrita Chel,
Mr. Anamitra Banerjee, Advocates
... .. For the Petitioner

Mr. Sudip Ghosh,
Mr. Bitasok Banerjee, Advocates
... ..For the State

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that the petitioner is an employee and similarly situated as the person who was granted anticipatory bail on December 23, 2021 in CRM 8702 of 2021.

Learned advocate appearing for the State draws the attention of the Court to the contents in the case diary. He submits that the petitioner cannot claim parity. The petitioner is named by the witnesses as one of the persons involved in the incident towards an allegation of defalcation of public money. There are statements recorded under Section 161 of the Criminal Procedure Code which implicate the petitioner in the incident. The petitioner cannot claim parity with the data entry operator. The petitioner is the Secretary of the Gram Panchayat.

In such circumstances, considering the gravity of the offence and the complicity of the petitioner therein, we are not inclined to grant anticipatory bail to the **petitioner**.

CRM 8738 of 2021 is, accordingly, **rejected**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)