

08.06.2021
AJ./S.B.,ct 28
Sl no. 03 (P.B.)

C.R.M. 606 of 2021

(Via Video Conference)

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 07.05.2021 in connection with Alipurduar P.S. Case No. 301 of 2014 dated 18.09.2014 under Sections 409/420 of the Indian Penal Code.

And

Allowed

In Re : **Sunil Kumar Das.** petitioner.

Mr. Hillol Saha Poddar. for the petitioner.

Mr. Nilay Chakraborty,
Mr. Saikat Chatterjee. ... for the State

This application for anticipatory bail has been filed apprehending arrest in connection with Alipurduar P.S. Case No. 301 of 2014 dated 18.09.2014 under Sections 409/420 of the Indian Penal Code.

The principal charge against the petitioner, who was an employee of the Indian Postal Service, was defalcation of certain sums of money from the books of the account holders.

It appears from the records that a civilian departmental enquiry was initiated against the petitioner and minor punishment has been imposed on him. Prosecution has also filed the charge sheet against the petitioner.

In that view of the matter, this Court is of the view that the petitioner is entitled to bail.

Accordingly, in the event of arrest the petitioner shall be released on bail subject to satisfaction of conditions under Section 438(2) of the Code of Criminal Procedure, 1973 and upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the concerned Court below, subject to the condition that the petitioner shall appear before the Trial Court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner shall not enter the jurisdiction of the

concerned Court except for the purpose of attending the court proceedings and shall provide the address where he shall reside while on bail to the Investigating Officer as well as the Court below and shall report to the Officer-in-Charge of the concerned Police Station within whose jurisdiction he shall reside once in a week until further orders. The petitioner shall surrender his passport to the Court below and if he does not possess a passport, shall submit an affidavit to that effect before the Court below.

In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this court.

The application for anticipatory bail being CRM 606 of 2021 is, thus, allowed.

The parties shall act in terms of the copy of the order downloaded from the official website of this Court.

(Biswajit Basu, J.)

(Rajasekhar Mantha, J.)