

22.02.2022
Sl. No.7
akd
[ALLOWED]

C. R. M. (DB) 444 of 2022 [via video conferencing]

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 24.08.2021 in connection with CBI/EO-IV Case No. RC05/E/2018, Kolkata dated 26.09.2018 arising out of Sonarpur Police Station Case No. 476 of 2013 dated 03.05.2013 under Sections 420/406/34 of the Indian Penal Code.

And

In Re: ***Chinmoy Golder @ Chinmai Golder***

... .. Petitioner

Mr. Mujibar Ali Naskar

... .. for the petitioner

Mr. Y. J. Dastoor .. Ld. Addl. Solicitor General

Mr. Phiroze Edulji

Mr. Samrat Goswami

... .. for the CBI

Report filed on behalf of the Central Bureau of Investigation is placed on record.

It is submitted on behalf of the petitioner that he is in custody for about 8 months and he is on bail in connection with a similar case lodged in the State of Tripura. It is further submitted that investigation is complete.

Learned Additional Solicitor General appearing for the Central Bureau of Investigation submits that the petitioner along with others were responsible for illegally inviting depositors from members of the public and had misappropriated a sum over Rs.66 lakhs. Investigation with regard to the petitioner is over. However, further investigation is still in progress. He further admits that the petitioner is on bail in connection with RC 10/E/2013 which was registered in the State of Tripura alleging misappropriation over Rs.2.5 crores.

We have considered the materials on record. In the present case, allegations involve misappropriation of a sum to the tune of Rs. 66

lakhs. In a similar case registered in the State of Tripura involving a sum over Rs.2.4 crores, petitioner is on bail. He is in custody for more than eight months and investigation with regard to involvement of the petitioner in the crime is over. In view of the aforesaid facts particularly when the petitioner is on regular bail in another case involving similar allegations in the State of Tripura with regard to misappropriation of a larger sum of money and there is little possibility of the trial concluding in the near future, we are of the opinion that further detention of the accused/petitioner is not necessary and he may be enlarged on bail however, subject to strict conditions.

Therefore, the accused/petitioner, namely ***Chinmoy Golder @ Chinmai Golder***, be released on bail upon furnishing a bond of Rs.20,000/- (Rupees Twenty thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Baruaipur, South 24-Parganas subject to condition that the said 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, while on bail, shall not leave the jurisdiction of the district of North 24-Parganas save and except for the purpose of investigation and/or for attending court proceedings without the permission of the trial court until further orders.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)

