

**18.05.2022**  
**Serial no.63**  
[Dd]  
(Bail **Rejected**)

**CRM (DB) 1275 of 2022**

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **Titagarh** Police Station Case No. **877** dated **09.12.2021** under Sections **420/406/409/465/120-B** of the Indian Penal Code. Corresponding to G.R. No. **10820 of 2021**.

-And-

**In the matter of : Sri Prasanta Biswas** ... ..**Petitioner**

*Mr. Tarunjyoti Tewari*  
*Mr. Prantick Ghosh, Advocate*  
... .. *For the Petitioner*

*Mr. Rudradipta Nandy, Advocate*  
... ..*For the State*

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that the petitioner is not named in the charge sheet. The petitioner is entitled to statutory bail in view of the default of the police in submitting the charge sheet within 90 days. The principal accused was granted bail.

Learned advocate appearing for the State submits that the petitioner is not entitled to statutory bail since the charge sheet was submitted within time. The petitioner is guilty of the offences charged. The petitioner, being a public servant a prayer was made to the appropriate authority under the Prevention of Corruption Act. Such prayer is still awaiting. He refers to the charge sheet and submitted that it cannot be said that the police are not proceeded against the petitioner. According to him, the petitioner involved in misappropriating funds of MLs and MPs with regard to at least five schools.

Considering the fact that the petitioner was arrested on December 30, 2021 in connection with the present police case, the 90 days period from the date of arrest expired on April 1, 2022 giving the fact that the next date of production is to be excluded. The police filed charge sheet on March 25, 2022. Therefore, the petitioner cannot claim statutory bail.

There are materials in the case diary implicating the petitioner in the offences that the petitioner is charged with.

Consequently, we are not inclined to grant bail to the petitioner.

Prayer for bail of the petitioner is **rejected**.

CRM (DB) 1275 of 2022 is **dismissed**.

**(Debangsu Basak, J.)**

**(Bibhas Ranjan De, J.)**