

01.02.2022
tkm/ct 28
sl no.12

C.R.M. 3609 of 2021

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Onda P.S case no. 89 of 2014 dated 14.5.2014 under sections 468/409/420/120B/34 of the Indian Penal Code

And

Allowed

In Re : Md. Abu Soyem @ Md. Abu Saem petitioner

Mr. Sekhar Kr. Basu, Sr. Adv

Mr. J I Hossain

..... for the petitioner

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

..... for the State

Petitioner is in custody for about one year and four months. It is submitted on behalf of the petitioner that co-accused Bablu Pratihari is on bail. It is further submitted that the petitioner did not play active role in inducing persons to make investments in the company. It is also contended that the petitioner has been enlarged on bail in another case in CRM 9993 of 2020. There is little prospect of the trial commencing in the near future.

Learned lawyer for the State opposes the prayer for bail. He submits that the petitioner was one of the subscribers to the share capital of the company at its inception and does not stand on the same footing with co-accused Bablu Pratihari who has been enlarged on bail. He further submits that the company had misappropriated deposits running over Rs. 60 lakhs. Petitioner had absconded for a protracted period of time.

We have considered materials on record. It appears that the petitioner had initially subscribed to the share capital of the company. However, statements of witnesses do not show that he had invited individuals to make deposits in the company. In the

light of the aforesaid circumstances, extent of complicity of the petitioner in the alleged crime requires to be assessed during trial. Co-accused persons are absconding and there is little possibility of trial commencing in near future.

In view of the aforesaid facts and the period of detention suffered by the petitioner i.e one year and four months, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs. 25,000/- with two sureties of like amount each, one of whom must be local to the satisfaction of the learned CJM, Bankura on condition that he 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.

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 being CRM 3609 of 2021 is disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)