

02.06.2022.

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Allowed

**In the High Court at Calcutta  
Criminal Miscellaneous Jurisdiction  
Appellate Side**

**C.R.M. (DB) 1455 of 2022**

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 26<sup>th</sup> May, 2022 in connection with Kotwali Police Station Case No. 400 of 2021 dated 14<sup>th</sup> July, 2021(Spl. Trial No.88/2021) (R.89/2021) under sections 406/409/420/34 of the Indian Penal Code

And

**In the matter of : Subhadeep Kulavi @ Babu....petitioner**

Mr. Ajoy Debnath,  
Mr. Asit Kumar De

...For the petitioner.

Mr. Sudip Ghosh,  
Mr. Bitasok Banerjee

...For the State.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner and the other co-accused were employed by a cash replenishment agency for bank ATMs. After audit, an amount of Rs.1,21,83,000/- was found to have fallen short. The petitioner was thereafter arrested. The two other co-accused have already been granted bail. No money trail can be established in respect of any accused. The petitioner is in custody for 317 days.

Learned counsel appearing on behalf of the State submits that no money could be recovered from the accused. A charge sheet has already been submitted.

In view of the fact that the two other co-accused had already been granted bail and considering the custody undergone by the present petitioner, we are inclined to grant bail to the present petitioner.

However, considering the nature of allegations, the petitioner's movement needs to be restricted for the present.

The petitioner shall be released on bail upon furnishing Bonds of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, subject to the satisfaction of the learned Additional Sessions Judge, First Court, Paschim Medinipur and on the further condition that the petitioner shall not leave the jurisdiction of the Kotwali Police Station, except for attending the Court.

The application for bail, being CRM (DB) 1455 of 2022 is, thus, **allowed**.

Criminal Section is directed to supply certified copy of this order, if applied for, upon compliance of necessary formalities.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

**(Sugato Majumdar, J.)**

**(Jay Sengupta, J.)**