

16.02.2022
Ct. No. 32
226
sdas

C. R. M. 4929 of 2021
(via video conferencing)

In Re: An application for bail under Section 439 of the Code of Criminal Procedure :

And

In Re: ***Saiful Alam @ Safiul Alam***

... .. Petitioner

Mr. Sekhar Kumar Basu, Id. Sr. Adv.
Mr. Sanjib Kumar Dan
Mr. Saryati Datta

... .. for the petitioner

Mr. Bivas Chatterjee
Mr. Biswarup Das

... .. for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Suri Coastal Police Station Case No. 196 of 2020 dated 20.07.2020 under sections 403/406/409/417 of the Indian Penal Code read with sections 66C/66D of the Information Technology Act.

Mr. Basu, learned senior advocate appearing for the petitioner submits that the petitioner was working as System Assistant at Suri Head Post Office. He has been falsely implicated and is not involved in the alleged offence of misappropriation of Government funds. He is languishing in custody for 349 days and there is also no possibility towards conclusion of the trial in the near future. In the said conspectus, he may be enlarged on bail on any stringent condition. Answering a query of this court, he submits that the petitioner has

already been suspended by a memorandum dated 9th December, 2021.

Let the suspension order, as produced, be kept on record.

Mr. Chatterjee, learned advocate appearing for the State, opposes the petitioner's prayer and submits that there are clear incriminating materials against the petitioner and he is directly involved in the alleged offence and is responsible towards siphoning of Government funds to the tune of Rs.1,30,11,257/-. The Government fund which was meant for the beneficiaries under MGNREGA scheme was transferred by the petitioner to eight of his relatives.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

The alleged offence pertains to misappropriation of the Government funds to the tune of Rs.1,30,11,257/-. *Prima facie*, there are strong incriminating materials against the petitioner. Considering the seriousness of the offence, its ramifications and the nature of accusations, we are not inclined to exercise discretion in favour of the petitioner and as such, his prayer for bail is refused at this stage.

With the aforesaid observations, the application for bail being CRM 4929 of 2021 is dismissed.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)