

30.06.2022.
10.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 1788 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kasba P. S. Case No.166 of 2021 dated 22.06.2021 under Sections 120B/420/419/467/468/471/474/274/275/276/170/188 and 307 of the Indian Penal Code.

In the matter of : Ashok Kumar Roy.

.... Petitioner.

Mr. Sekhar Kr. Basu, ld. Sr. Adv.,
Mr. Sandipan Ganguly, ld. Sr. Adv.,
Mr. A. Singh,
Mr. Anirban Dutta,
Ms. Niharika Singh,
Ms. Shubhangini Singh,
Mr. Aman Agarwal,
Ms. P. De,
Mr. Ashok Kr. Singh.

...for the Petitioner.

Mr. Rudradipta Nandy, ld. A.P.P.,
Ms. Sonali Das.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Supplementary affidavit is placed on record. Liberty is given to the learned Advocate-on-record of the petitioner to correct the cause title of the petition.

Petitioner is in custody for about one year. He submits principal accused Dabanjan Deb took rent of his premises. He represented himself as an IAS Officer and had organised a fake vaccination camp. Petitioner like other members of the public had been duped by the said Debanjan Deb. He is not a part of the conspiracy.

Learned Additional Public Prosecutor submits that the petitioner was a co-conspirator with Debanjan Deb. Rents had been credited to his account from the personal account of co-accused Debanjan Deb. He was also present during the vaccination camp.

We have considered the materials on record. Petitioner is the owner of the premises. Hence, his presence in the course of vaccination camp by itself may not give rise to culpability. Admittedly, an agreement with the Calcutta Municipal Corporation had been executed by the petitioner wherein Debanjan Deb claimed himself to be a representative of the said authority. Whether the petitioner was conscious of such fraud requires to be assessed in the light of attending facts and circumstances of the case in course of trial.

Under such circumstances, keeping in mind the extent of complicity of the petitioner in the alleged crime and the period of detention suffered by him, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Alipore, South 24-Paraganas subject to condition that the 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.

In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

This application for bail is, thus, disposed of.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)