

28.07.2022
Sl. No.22
akd
[Rejected]

C. R. M. (DB) 2191 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.07.2022 in connection with Garhbeta Police Station Case No. 123 of 2022 dated 17.03.2022 under Sections 379/406/409/420/411/120B/34/467 of the Indian Penal Code, Section 33 of the Indian Forest Act and Section 3 of the Prevention of Damage to Public Property Act.

And

In Re: ***Moidul Khan @ Mohidul Khan @ Maidul Khan***
... .. Petitioner

Mr. Sourav Chatterjee
Mr. Suman Adhikary
... .. for the petitioner

Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor
Mrs. Sonali Das
... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 82 days. It is further submitted petitioner is the Anchal Pradhan and did not play any role in the illegal sale of trees by co-accused viz. Ibrahim Khan, Panchayat Pradhan.

Learned Additional Public Prosecutor opposes the prayer for bail and submits petitioner was in conspiracy with co-accused, Ibrahim Khan and had received payments with regard to the aforesaid illegal transactions. Prayer for bail of Ibrahim Khan has been turned down.

We have considered the materials on record. Statements of witnesses as well as documentary evidence show payment of money by way of cheque and cash to the petitioner by co-accused, Ibrahim Khan. Petitioner is unable to place on record justifiable explanation for the aforesaid transactions between him and the principal accused. Prima facie there are materials to show petitioner was the conspirator in the crime of misappropriation of public assets by people's representative. In

view of gravity of the offence, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is thus **rejected**.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)