

14.07.2022
cm/ct 28

C.R.M. (DB) 2320 of 2022

sl. no. 35

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Pandua **P.S Case No. 337 of 2021** dated **11.08.2021** under Sections **420/409** of the Indian Penal Code,.

Rejected

And

In Re : Dipak Kumar Majhi

..... petitioner

Mr. Ayan Bhattacharjee
Mr. Anupam Dasadhikari
Mr. Suvam Sinha

..... for the petitioner

Mr. Madhusudan Sur, Ld. A.P.P.
Mr. Dipankar Paramanick

..... for the State

Petitioner is in custody for over 100 days. It is contended he is a mere sales manager and did not play any role in the alleged misappropriation of funds which was due an institutional failure. Investigation is complete. There is no possibility of trial commencing in the near future.

Learned Additional Public Prosecutor for the State opposes the prayer for bail. He submits petitioner in collusion with the manager Nemai Chandra Ghosh had misappropriated funds of the cooperative society to the tune over Rs. 1.18 crores. Various false documents were also prepared to cover up the misappropriation.

We have considered the materials on record including statement of witnesses and other relevant documents. There are ample materials disclosing role of the petitioner in the misappropriation of funds of the cooperative society which runs

over one crore of rupees. Although investigation is complete and gravity of the offence which relates to misappropriation public funds over one crore does not persuade us to enlarge the petitioner on bail at this stage.

Accordingly, the prayer for bail of the petitioner is rejected.

We, however, observe prompt steps be taken for consideration of charge and in the event charge is framed to take the proceeding to its logical conclusion without granting unnecessary adjournments to either of the parties.

Department shall communicate the order to the Court below for compliance.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)