

23.08.2022.
14.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 2343 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Baruipur P. S. Case No.732 of 2022 dated 26.04.2022 under Section 409 of the Indian Penal Code.

In the matter of : Debasish Rakshit.

.... Petitioner.

Mr. Uday Sankar Chattopadhyay,
Mr. Santanu Majhi.

...for the Petitioner.

Mr. Ranabir Roy Chowdhury,
Mr. Sandip Chakraborty.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioner is in custody for about 92 days. He contends he had duly remitted cash from the post office which was misappropriated at the end of treasury by co-accused viz., Pradip Marikh, Treasury-I. Petitioner is not named in the first information report. He accordingly prays for bail.

Learned Advocate for the State opposes the prayer for bail. He submits petitioner had acted in collusion with the co-accused. His log-in password was used to manipulate records.

We have considered the materials on record. Petitioner was the Post Master and was responsible for remittance of cash to the treasury. It is nobody's case that the cash had not been remitted to the treasury concerned. It is alleged at the treasury the entire cash of Rs.1.5 crores had not been credited but a

major portion to the tune of Rs.1 crore had been misappropriated. Whether use of log-in password of the petitioner was due to his collusion or otherwise, requires to be examined in course of trial. Keeping in mind the aforesaid facts, extent of complicity of the petitioner 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 Additional Chief Judicial Magistrate, Baruipur, South 24-Paraganas subject to condition that he 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.)