

06.01.2022

Court No.32
rpan / 333

CRM 6788 of 2021

[through Video Conferencing]

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure;

And

In Re.: **Subhasish Das**

- Petitioner

Mr. Soumen Dutta,

Mr. Subhadeep Chatterjee

... for the Petitioner.

Mr. Rudradipta Nandy

... for the State.

Apprehending arrest in connection with Egra Police Station Case No.50 of 2017 dated 03.02.2017 under Sections 406/409/420/120B of the Indian Penal Code, 1860, the petitioner has filed the present application.

Mr. Dutta, learned advocate appearing for the petitioner submits that the petitioner was the secretary of the managing committee of the Egra Jhatulal High School at the relevant point of time when the incident occurred and he has been falsely implicated. The headmaster of the said school was granted anticipatory bail by a coordinate Bench of this Court on 11th September, 2017. No overt act has been attributed to the petitioner and in the said conspectus, custodial interrogation is not warranted.

Mr. Nandy, learned advocate appearing for the State opposes the petitioner's prayer and submits that the petitioner had been absconding since the year 2017. Though raids were conducted, the petitioner could not be arrested. The public money for midday

meal to the tune of Rs.15 lakhs had been misappropriated. In support of such contention, he has drawn our attention to the enquiry report in the case diary.

Heard the learned advocates appearing for the respective parties and considered the materials on record. *Prima facie*, it appears that the amount was misappropriated through an account and the petitioner was the joint account holder of the same. The record further reveals that several attempts were made to arrest the petitioner but in vain. The headmaster appears to have been granted anticipatory bail by a coordinate Bench of this Court as an amount of Rs.10 lakhs was paid by him. Considering the seriousness of the offence, the conduct of the petitioner and the extent of his complicity in the alleged offence, we are not inclined to exercise any discretion in his favour and his prayer for anticipatory bail is refused.

The application for anticipatory bail, being CRM 6788 of 2021 is, thus, 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.)