

30.08.2022
Sl.No.150
Ct. 03
Amalranjan

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
APPELLATE SIDE

CRM (DB) 2793 of 2022

Mahananda Maity
Vs.
State of West Bengal

In Re: An application for bail under Section 439 of the
Code of Criminal Procedure, 1973.

In Re: Mahananda Maity ...Petitioner (In Jail)

Mr. Bijoy Adhikary
Mr. Ushananda Jana
Ms. Susmita Adhikary
... for the petitioner/appellant
Mr. Sudip ghosh
Mr. Apurba Kumar Datta
..... for the State

The alleged offence occurred in 2014. The petitioner was a postmaster in a post office. Allegedly the complainant went to deposit Rs. 50,000/- with the post office to create a term deposit. The money was taken by the petitioner as postmaster and a certificate handed over to him, which was to mature after eight years in 2022. Apparently, the complainant never made any enquiry about her deposit in this period; never even touched the certificate. In May, 2022, she took out the certificate and discovered that it was issued by Rose Valley, it is alleged. On 22nd May,

2022 a complaint was lodged with the concerned police station which was registered as an FIR. On 17th June, 2022, the petitioner was arrested. He is in custody for about 70 days.

The accusation against him is that as postmaster he utilised the money of genuine depositors fraudulently with a ponzi company or companies.

Mr. Adhikary, learned advocate for the petitioner submits that his client had nothing to do with any ponzi company or scam and that he has been framed.

Chargesheet has not been filed.

Learned counsel for the State submits that time be given to the prosecution to complete the investigation.

Prima facie, the accusation against the petitioner does not seem to stand on strong pillars. There was no complaint for eight years. Nothing is on record to suggest that the petitioner as postmaster was acting as agent of ponzi companies.

We are of the view that enough time was at the disposal of the respondent to complete the investigation.

Considering the submissions made, we direct that the petitioner may be kept in custody only up to 12th September, 2022 by which time whatever outstanding investigation must be completed and chargesheet filed. After 12th September, 2022, the petitioner is to be

automatically released on bail upon furnishing a bond of Rs. 10,000/- with two sureties each of like amount, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Matistrate, Ghatal (Police Court), Paschim Medinipur, subject to the condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

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

We add a further condition that all details of the petitioner's work place and residence must be furnished by him with the Investigating Officer and that he shall not leave the limits of Paschim Medinipur without informing the said Officer.

He will deposit his passport, if any, with the Investigating Officer within seven days.

The application for bail is, accordingly, disposed of.

(Subhendu Samanta, J.)

(I.P. Mukerji, J.)