

20.01.2022

Court No.32
rpan/ **262**

C.R.M. 8139 of 2021

[Via video Conferencing]

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

And

In re: **Sujan Dutta**

- Petitioner

Mr. Kallol Mondal,
Mr. Gourav Banerji
... for the Petitioner.

Mr. Ranabir Roy Chowdhury,
Mr. Mainak Gupta
... for the State.

Apprehending arrest in connection with Mandarmoni Coastal Police Station Case No.71 of 2021 dated 26.10.2021 under Sections 186/188/353/379/506/34 of the Indian Penal Code, 1860, the petitioner has filed the present application.

Mr. Mondal, learned advocate appearing for the petitioner submits that the petitioner was the Executive Officer of Digsha Shankarpur Development Authority. On 2nd September, 2021 he was posted as Deputy Director, Small Savings, Alipurduar and thereafter, on 22nd November, 2021 he was posted as Deputy Director, Small Savings, Coochbehar. He has been falsely implicated in the present matter due to political rivalry. The ingredients of Sections 353 and 379 of the Indian Penal Code, 1860 are not attracted against the petitioner. He is ready to extend all cooperation to the investigating agency. In the said conspectus, custodial interrogation of the petitioner is not necessary.

Mr. Chowdhury, learned advocate appearing for the State vehemently opposes the petitioner's prayer. Drawing the

attention of this Court to the statements of the witnesses, as recorded under Sections 161 and 164 of the Code, he submits that the contents of the same would clearly reveal the direct nexus of the petitioner with the alleged offence. Investigation is still continuing and as such, the petitioner is not entitled to the relief as prayed for.

Heard the learned advocates and considered the materials in the case diary. *Prima facie*, the ingredients of Sections 353 and 379 are not attracted against the petitioner. The petitioner is a Government servant and as such, there is no possibility that he would flee from justice or delay the trial by abscondence. In view thereof, we are of the opinion that custodial interrogation is not warranted. As such, prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Sujan Dutta** 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 Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973, with a further condition that he shall meet with the Investigating Officer of the case once a fortnight till investigation is complete.

It is further directed that the petitioner shall attend the learned court below on all the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned court below shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM No. 8139 of 2021 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Ajoy Kumar Mukherjee, J.) (Tapabrata Chakraborty, J.)