

29.08.2022

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Rejected

C.R.M. (DB) No. 2909 of 2022

In Re.: An application under Section 439 of the Code of Criminal Procedure in connection with Goaltore Police Station Case No. 201 of 2021 dated 31.12.2021 under Section 409 of the Indian Penal Code.

And

In Re : Sri Subhas Das petitioner

Mr. Arindam Jana

Mr. Soumajit Chatterjee

... for the petitioner

Mr. Swapan Banerjee

Mr. Anindya Sundar Chatterjee

... for the State

Learned Counsel appearing for the petitioner submits he is in custody for 234 days. It is also submitted that the petitioner has been falsely implicated in the instant case.

Learned Counsel appearing for the State opposes prayer for bail.

We have considered the materials on record. Statements of witnesses show petitioner was the cashier of the bank. On inspection by the manager a shortfall to the tune of Rs.31,32,000/- was noted. Petitioner was unable to explain such discrepancy.

In view of the aforesaid incriminating materials implicating the petitioner for misappropriation of funds of a bank, we are of the opinion that this is not a fit case to grant bail to the petitioner.

The application for bail is, thus, rejected.

In view of the fact that the offence involves misappropriation of funds of a co-operative bank and as the petitioner is a public servant, we direct the case to be placed before the Special Court concerned for consideration of charge and the ensuring trial, if any.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)