

18.01.2022

Court No.32
rpan / 13

CRM 8465 of 2021

[through Video Conferencing]

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

And

In Re.: **Rathindra Kumar Dey**

- Petitioner

Mr. Suman De

... for the Petitioner.

Mr. Saibal Bapuli,

Mr. Bibaswan Bhattacharya

... for the State.

Apprehending arrest in connection with Beldanga Police Station Case No.473 of 2019 dated 01.10.2019 under Sections 420/406/409/34 of the Indian Penal Code, 1860, the petitioner has filed the present application.

Mr. De, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. At the relevant time he was the executive assistant of the concerned gram panchayat and had no role to play in processing bills for payment. In support of such contention, he has placed reliance upon the standard operational procedure pertaining to payment under MGNREGA scheme. He further submits that though the *pradhan* of the concerned gram panchayat is the final authority towards disbursement under the scheme, he has not been arraigned as an accused. In the said conspectus, custodial interrogation is not necessary.

Mr. Bapuli, learned advocate appearing for the State opposes the petitioner's prayer and submits that the petitioner is involved

in an offence pertaining to public money. Previously he was also involved in similar offence. In support of such contention, he has placed reliance upon an enquiry report in the case diary.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary. *Prima facie*, there are strong incriminating materials against the petitioner and the matter involved public money. Considering the nature of accusations and his antecedents, we are not inclined to exercise any discretion in his favour. As such, his prayer for anticipatory bail is refused.

The application for anticipatory bail, being CRM 8465 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.

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