

09.11.2022

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rejected

C.R.M.(DB) No. 2926 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Ghatal Police Station Case No. 116 of 2021 dated 08.04.2021 under Sections 467/471/473/419/420/406/409/120B/34 of the Indian Penal Code and Sections 7/7A/8/9/10/11 of the Prevention of Corruption Act.

And

In Re : Parthapratim Roy petitioner

Mr. Somopriyo Chowdhury

Mr. Musharraf Housain

Mr. Satadru Lahiri

Mr. Safdar Azam

... for the petitioner

Mr. Rudradipta Nandy, learned APP

Mrs. Sonali Das

... for the State

Petitioner renews his prayer for bail.

Learned Counsel appearing for the petitioner submits a sum of Rs.3 crores was recovered and there is no wrongful loss suffered by the victims.

Learned Counsel appearing for the State opposes the prayer for bail. In the course of hearing he submits report disclosing further involvement of the petitioner in misappropriation of the amount to the tune of Rs.2.27 crores.

In response, an objection is filed on behalf of the petitioner. In the objection it is contended the aforesaid sum is a part of the total misappropriated amount. Hence, petitioner may be enlarged on bail.

We have considered rival submissions of the parties. The instant case discloses a conspiracy between the bank officials including the petitioner and one Rajib Bakshi. Rajib Bakshi opened a fake I.D. account and in collusion with other conspirators misappropriated funds from the accounts of innocent customers.

Initial investigation revealed misappropriation of a sum over Rs.18 crores. It is contended that subsequent investigation revealed further misappropriation of sum to the tune of Rs.2.27 crores.

In response, it is argued that the subsequent amount is a part of the original misappropriated sum and a sum to the tune of Rs.3 crores has already been adjusted. Even so, there is an outstanding misappropriated sum over Rs.15 crores and involvement of the petitioner in misappropriation of 2.27 crores in addition to Rs.74 lakhs (as reflected in the initial charge-sheet) is prima facie evident.

In view of the aforesaid role played by the petitioner in the crime and the fact that the examination of witnesses has commenced, we are not inclined to grant bail to the petitioner. We are inclined to come to such conclusion as vulnerable witnesses i.e. bank officials, who are former colleagues of the petitioner, are yet to be examined. Release of the petitioner on bail may have an adverse impact on the examination of the said witnesses.

Under such circumstances, we are not inclined to grant bail to the petitioner.

The application for bail is, thus, rejected.

However, in view of the period of detention suffered by the petitioner we request the trial court to conduct the trial and conclude the same as expeditiously as possible and take all steps to examine the bank officials within six months from the next date fixed for recording evidence without granting unnecessary adjournments to the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)