

25.01.2022

Court No.32
Item No.25
suvayan

CRM 8777 of 2021

[through Video Conferencing]

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

And

In Re.: **Satyen Mandal & Anr.**

- Petitioners

Mr. Sourav Chatterjee

Mr. Kalidas Saha

... for the Petitioners.

Mr. Rudradipta Nandy

... for the State.

Apprehending arrest in connection with Kaliachak Police Station Case No.290 of 2019 dated 13.05.2019 under Sections 420/409/120B of the Indian Penal Code, 1860, the present application has been preferred.

Mr. Chatterjee, learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated. The ingredients of Section 409 are not attracted against the petitioners. The allegations are absolutely unfounded and there is no involvement of the petitioners in the alleged offence.

He further submits that the complaint has been lodged by one Motiur Rahman, espousing the cause of certain students. However, the aggrieved persons have not lodged any complaint. In the said conspectus, custodial interrogation is not necessary.

Mr. Nandy, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of some students from whose bank account, money was debited and the memoranda dated 30th September, 2021 and 16th

September, 2021 issued by the Block Development Officer, Bishnupur – II, Block – South 24 Parganas and the Project Officer cum District Welfare Officer, Backward Classes Welfare respectively.

Mr. Nandy submits that in the Project of GOI Post Matric Scholarship there are more than 72,000 beneficiaries and crores have been misappropriated. In view of such strong incriminating materials on record the petitioners are not entitled to the relief as prayed for.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

The dispute pertains to misappropriation of public money and *prima facie*, there are strong incriminating materials on record against the petitioners. Considering the gravity of the offence, the nature of accusations and the extent of complicity of the petitioners in the alleged offence, we are not inclined to exercise any discretion in their favour and their prayer for anticipatory bail is refused.

The application for anticipatory bail, being CRM 8777 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.

(Kesang Doma Bhutia, J.) (Tapabrata Chakraborty, J.)