

12.09.2022
Serial no. 34
[Dd]
(Anticipatory bail)
(Rejected)

CRM (A) 4376 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Usthi** Police Station Case No. **334** dated **06.08.2022** under Sections **420/409** of the Indian Penal Code, corresponding to G. R. Case NO. **2547 of 2022.**

-And-

In the matter of : **Md. Salam Mistry**

... ..**Petitioner**

Mr. Dipanjan Chatterjee,
Mr. Kalyan Kr. Bhattacharjee,
Ms. Sahina Khatun, Advocates
... .. For the Petitioner

Mr. S. Bapuli, Id. APP
Mr. Soumik Ganguli, Advocates
... ...For the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that the petitioner was falsely implicated. The petitioner retired as a secretary of the cooperative society in the month of January, 2022. The transactions spoken of by the police compliant are of May, June and July, 2022 when the petitioner was no longer the Secretary of the organization.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case dairy. He submits that the petitioner acted as the Secretary of the organization, obtained goods meant for public distribution, from the Food Corporation of India, as would be appearing from the signature of the petitioner on the documents as well as from the Inquiry Report. He did not disburse the same to the institutes for public distribution.

The police contend that the petitioner sold such materials in the open market.

There are documents in the case diary which suggest that the petitioner acted as the Secretary subsequent to his retirement for the three months under investigation. Such documents also suggest that, materials taken delivery from Food Corporation of India, meant for public distribution, were sold in the open market within active participation of the petitioner.

In such circumstances, the need for custodial interrogation of the petitioner cannot be overlooked at this stage.

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

Prayer for anticipatory bail of the petitioner is **rejected**.

CRM (A) 4376 of 2022 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)