

13.09.2022
Serial no. 13
[Dd]
(Anticipatory bail)
Allowed)

CRM (A) 4380 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Uttarpara** Police Station Case No. **316** of **2022** dated **22.08.2022** vide Gr. No. **1619/2022** under Sections **182 /417 /419 /420 / 468/467/471/34** of the IPC.

-And-

In the matter of : **Manoj Saha**

... .. Petitioner

Mr. Raghunath Adhikary,
Ms. Tanaya Banerjee, Advocate
... .. *For the Petitioner*

Mr. Sudip Ghosh, Id. Sr. Govt. Adv.
Mr. Bitasok Banerji, Advocate
... .. *For the State*

Mr. Dipanjan Chatterjee,
Mr. Triptimoy Talukder,
Ms. Sananda Bhattacharyya, Advocates
.. .. *For the de facto complainant*

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that the petitioner was falsely implicated.

Learned advocate appearing for the State submits that the petitioner obtained an employment in a municipality on the basis of a Scheduled Caste certificate to which he is not entitled to.

Learned advocate appearing for the de facto complainant submits that the petitioner does not belong to the Scheduled Caste and, therefore, was not entitled to that post. He submits that the petitioner obtained such employment by illegal gratification.

The issue as to whether, caste certificate of the petitioner was obtained wrongfully or not is an issue of fact which needs to be considered at the trial. The contention of illegal gratification is another aspect of investigation and trial.

In such circumstances, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall report before the Investigating Officer once in a fortnight till the conclusion of the investigation and on further condition that the petitioner shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

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

CRM (A) 4380 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)