

14.10.2022

(AD 66)

(S. Banerjee/
AKG)

CRM (DB)/ 3611 of 2022

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kenda Police Station Case No. 17 of 2022 dated 17.02.2022 under Section(s) 420/406/34 of Indian Penal Code.

And

In the matter of: Avirup Majumdar & Ors.

...petitioners

Ms. Devipriya Mitra
Mr. Rakesh Singh
Ms. Sangeeta Roy
Ms. Trishna Sarkar

... for the petitioners

Mr. Rudradipta Nandy
Ms. Sonali Das

... for the State

The alleged offence took place in 2013 and, according to the prosecution, is still continuing.

It involves misappropriation of public money by the accused(s). According to the petitioners the organisation with which they are connected, was incorporated only in March, 2018. It has no connection with the alleged misappropriation of money complained of. This is regarding the merits of the matter.

The real situation is that investigation has been completed and charge-sheet has been filed. The petitioners are in custody for 156 days.

Learned counsel for the State submits that further investigation is being carried out and that on completion of the same, a supplementary charge-sheet is likely to be filed.

Considering the above submissions, we direct that whatever further investigation is to be carried out, must be completed by 31st October, 2022 after expiry of which the petitioners shall automatically be released on bail on the following terms and conditions:

The petitioners shall be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties each of like amount, one of whom must be local, to the satisfaction of learned Chief Judicial Magistrate, Purulia, subject to the following conditions:

- 1) That the petitioners shall appear before the trial court on every date of hearing until further orders
- 2) They shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
- 3) The petitioners shall deposit their passport, if he has one, with the investigation officer.
- 4) They shall report before the said officer as and when summoned.
- 5) The petitioners shall not leave the limits of their concerned districts where they live, without properly and satisfactorily informing the Officer in Charge of their concerned local Police Stations.

In the event the petitioners fail to appear before the trial court, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this court.

Accordingly, the application for bail is disposed of.

(Supratim Bhattacharya, J.) (I. P. Mukerji, J.)