

28.11.2022
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allowed

CRM(DB) No. 4174 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Gholia Police Station Case No. 569 of 2021 dated 29.08.2021 under Sections 120B/420/406/409/34 of the Indian Penal Code.

And

In Re : Dilip Majumder @ Kaushik Majumdar petitioner

Mr. Kallol Kumar Basu
Mr. Biswajit Hazra

.....for the petitioner

Mr. Rudradipta Nandy, learned APP
Mrs. Sonali Das
Ms. Sreeparna Das

..... for the State

Mr. Debasis Kar
Mr. Husen Mustafi
Mr. Subhojit Chowdhury
Mr. Arun Tilak Bhadra

..... for the de facto complainant

Learned Counsel appearing for the petitioner submits he was in no way connected with the affairs of the self-help group. He has a different self-help group. Out of jealousy, petitioner has been falsely implicated. Investigation is complete.

Learned Counsel appearing for the State opposes the prayer for bail and submits petitioner was a member of the self-help group of the de facto complainant. He had abused his position and misappropriated funds.

Learned Counsel appearing for the de facto complainant also opposes the prayer for bail.

We have considered the materials on record. Petitioner had extended loans to family members. Loans, however, came to be

repaid. Whether the amounts were credited by the petitioner to the account of the de facto complainant/firm is a matter of records. Relevant records have already been seized in the course of the investigation.

In view of the aforesaid facts, we are of the opinion that further detention of the petitioner is not necessary and he may be enlarged on bail.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Barrackpore, subject to condition that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)