

05.12.2022.
31.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 4244 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Garhbeta P.S. Case No.313 of 2022 dated 02.06.2022 under Sections 406/408/409/465/467/468/120B/34 of the Indian Penal Code.

In the matter of : Moloy Sarkar.

... Petitioner.

Mr. Debabrata Acharyya,
Mr. Sital Samanta.

...for the Petitioner.

Mr. Rudradipta Nandy, ld. A.P.P.,
Mrs. Sonali Das.

...for the State.

Petitioner is in custody for over 123 days. It is submitted he is not the beneficiary of the alleged fraud. He merely took photographs of the houses constructed by beneficiaries under a housing scheme floated by the Government. He prays for bail.

Learned Advocate for the State opposes the prayer for bail. He submits petitioner was employed with the concerned municipality. He fraudulently took photographs of houses of different persons and geo tagged the photographs in order to siphon amounts payable to genuine beneficiaries.

We have considered the materials on record. Petitioner was an active conspirator in the crime. He had fraudulently taken photographs of houses which were unrelated to the housing scheme. Utilising the fraudulent photographs funds payable to genuine beneficiaries were siphoned away. Fact that

the funds were not credited to the account of the petitioner does not absolve him of his role in the conspiracy.

In view of the aforesaid incriminating materials and the nature of offence involving misappropriation of public funds, we are not inclined to grant bail to the petitioner at this stage.

Accordingly, the prayer for bail of the petitioner is rejected.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)