

08.12.2022
Serial no.16
Court 29
AB

CRM (A) 5647 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Bhagwangola Police Station Case No.282 of 2022 dated 28.4.2022 under Sections 420/408/406 of the Indian Penal Code

-And-

In the matter of : **Sk. Akbar**

... .. Petitioner

Ms. Shabana Hasin

... .. For the Petitioner

Mr. Binay Kr. Panda,
Mr. S. K. Bhakat,

... ...For the State

Supplementary affidavit filed in Court today be kept on record.

Petitioner submits that the alleged default in preparation of paper work was due to the intervening pandemic. He is being proceeded against wrongfully.

Learned Advocate for the State draws the attention of this Court to the materials present in the case diary.

Apparently, the police are investigating the petitioner for alleged irregularities relating to mid day meal and distribution of a government programme. The petitioner was the teacher in charge of a school at the material point of time. There are apparent lacunae in the maintenance of records regarding the two programmes. The explanation of the petitioner at this stage regarding the documents not being to speed should not be overlooked.

In such circumstances, we 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 condition that the petitioner will 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) 5647 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)