

14.12.2022

28

Ct. No. 29

**KAUSHIK
REJECTED**

C.R.M.(A) 5820 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bolpur** Police Station Case No. **149** of **2022** dated **21.05.2022** under Sections 406/409/420/34 of the Indian Penal Code, 1860.

And

In Re : Dulal Chandra Sutradhar

..... petitioner

Mr. Uday Sankar Chattopadhyay

Mr. Suman Sankar Chattopadhyay

Mr. Santanu Maji

Ms. Trisha Rakshit

Mr. Rajarshi Ta

....for the petitioner

Mr. Rudradipta Nandy

Ms. Sonali Das

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner is of advanced age and ailing. The petitioner superannuated long time ago. The allegations of alleged defalcation relates to the period of 2015-2016 to 2019-2020. He refers to the de-facto complainant and the offices held by such de-facto complainant. He submits that, the petitioner was also a member of a Non-Government Organisation. He submits that, the petitioner is ready and willing to pay the alleged defalcated amount of 2,87,936/-.

Learned advocate appearing for the State submits on instruction that on investigations, the police found that the defalcation is in excess of 29 lakhs. He draws the attention of

the Court to the fact that, prayer for anticipatory bail of another co-accused was rejected by the Coordinate Bench on June 10, 2022 passed in CRM(A) 2527 of 2022. He refers to the materials implicating the petitioner. He also submits that, against both the co-accused, prayer for proclamation is pending before the Jurisdictional Court.

Prayer for anticipatory bail of another co-accused was rejected by the Coordinate Bench on June 10, 2022 passed in CRM(A) 2527 of 2022 on the ground that materials on record discloses, prima facie, involvement of such co-accused in misappropriation of public fund.

So far as the present petitioner is concerned, there are materials in the case diary suggesting involvement of the petitioner in misappropriation of public fund in excess of Rs.29 lakhs.

The prayer for deposit of Rs.2,87,936/- is, therefore, of no consequence.

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

Accordingly, prayer for anticipatory bail of the petitioner is rejected and the application being CRM (A) 5820 of 2022 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

