

29.12.2022

Vacation Bench
SL No.8
s.biswas
(Allowed)

C.R.M. (DB) 4658 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Contai** P.S. Case No.**0475 of 2022** dated **29.11.2022** under Sections **406/409/420/467/468/471/47/7A/120B** of the Indian Penal Code.

And

In the matter of: **Naryan Chandra Giri @ Narayan Chandra Giri**
....Petitioner

Mr. Rajdeep Mazumdar
Mr. Pritam Roy
Ms. Shyanti Poddar
Mr. Soewel Bhattacharjee

...for the Petitioner

Mr. Swapan Banerjee
Ms. Debjani Sahu

...for the State

The case against the petitioner/applicant is under Section 409 of the Indian Penal Code.

Section 409 of the Indian Penal Code is about criminal breach of trust by public servant or by banker or by merchant or by agent. The petitioner was a contractor under the municipality and was working under a Government contract. The allegation is of 2017/2018, FIR has been made on 26.11.2022, i.e. may be after more than four years. The petitioner is in custody for 30 days.

Learned counsel appearing on behalf of the State has submitted that the case diary is not produced today.

Considering the materials on record, we do not find any reason to keep the petitioner under custody. Hence we are inclined to grant bail to the petitioner.

Accordingly, the petitioner shall be released on bail upon furnishing a Bond of ₹20,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Additional Chief Judicial Magistrate, Purba Medinipur at Contai subject to the condition that the petitioner shall be present before the Investigating Officer and cooperate with the investigating agency as and when he will be called for and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail of the petitioner without any further reference to this Court.

The application for bail is, thus, allowed.

(Prasenjit Biswas, J.)

(Abhijit Gangopadhyay, J.)