

03.11.2022
S.D
Item no.3

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

CRA 250 of 2020
With
CRAN 1 of 2021
With
CRAN 2 of 2021

Monoranjana Roy
-Vs-
State of West Bengal

Mr. Milan Mukherjee, Sr. Advocate
Mr. Manas Dasgupta
Mr. Biswajit Manna
Mr. Gaurav Das
...For the Appellant.

Mr. Saswata Gopal Mukherji, P.P.
Mr. Madhusudan Sur, A.P.P.
Mr. Dipankar Paramanick For the State.

Learned Public Prosecutor submitted that throughout trial the accused has been in custody. He has been convicted with the award of a sentence of life imprisonment. The allegation against him was large-scale misappropriation of public money by cheating. Learned counsel submitted that the appellant should not be released on bail.

Learned Public Prosecutor has also filed written arguments before us in support of his oral arguments.

Mr. Milan Mukherjee, learned senior advocate appearing for the appellant contended that his client was charged under Section 3 of the West Bengal Protection of Interest of Depositors in Financial Establishments Act, 2013

and convicted by the trial court. He was awarded a life sentence under Section 3(2) of the said Act. Throughout trial he was in custody. He has been in such custody since 4th December, 2017.

Furthermore, he submits that a co-accused has been granted bail.

In our view, in the event, the conviction and sentence is confirmed by the appeal court, the accused will have already served nearly half the sentence in custody. All the facts and evidence of the case are on record. If enlarged on bail, the accused would not be in a position to tamper with evidence or interfere with the proceedings. There is nothing on record to show that he would try to flee from justice.

Considering the above facts, we think this is a fit case for expeditious hearing of the appeal on suspension of the sentence till the appeal is heard out.

In the aforesaid backdrop of the matter, we are of the view that the appellant/applicant, Monoranjan Roy is entitled to an order of suspension of sentence and grant of bail. We accordingly allow this application to the extent that the appellant/applicant shall be released on bail upon furnishing bail bond of Rs.50,000/- (Rupees Fifty Thousand) with five sureties of like amount each, one of whom must be local, to the satisfaction of learned Chief Judicial Magistrate, Purba Medinipur at Tamluk and on further conditions that the appellant/applicant shall not intimidate or carry on any incriminating activity, the appellant/applicant shall meet the concerned prosecuting Authority once a fortnight, he shall not leave the limits of the city of Kolkata without informing the prosecuting authority and shall deposit his passport, if any with the prosecuting authority.

It is further directed that the appellant/applicant shall be personally present or be represented before this court when the appeal is taken up for hearing.

The applications CRAN 1 of 2021 and CRAN 2 of 2021

are also thus disposed of.

(Biswaroop Chowdhury, J.)

(I.P. Mukerji, J.)