

03.03.2022
Court No.01
Item No. 7
Saswata
(rejected)

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

**CRM (DB) 12 of 2022
(Via Video Conference)**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Dinhata Police Station Case No. 595 of 2021 dated 24/11/2021 under Section 392 of the Indian Penal Code and Sections 409/120B of the Indian Penal Code.

And

In Re: **Atarul Hossain**

Petitioner

Mr. Sourav Chatterjee
Mr. Sudip Guha

For the Petitioner

Mr. Nilay Chakraborty
Mr. Tapan Bhattacharjee

For the State

The petitioner is seeking bail in connection with Dinhata Police Station Case No. 595 of 2021 under Section 392 of the Indian Penal Code and Section 409/120B of the Indian Penal Code.

The petitioner is in custody for nearly 99 days in connection with the aforementioned case. It is submitted by Mr. Chatterjee, learned advocate for the petitioner that the petitioner has been falsely implicated in connection with the instant case. According to him, the dacoity took place at the branch where the petitioner was posted as a cashier and the money to the tune of more than nineteen lakhs were taken away. The petitioner subsequently raised alarm and the FIR was lodged by the regional manager and the petitioner therefore has been falsely implicated therein.

It is submitted that the only link or bridge which is sought to be established against the petitioner is the transaction through his wife's account for purchase of the land which was prior to the date of the alleged incident of dacoity.

On the other hand, learned advocate for the State, while opposing the prayer for anticipatory bail submits that in fact no dacoity took place at the said branch, which is corroborated by the statements of the witnesses recorded under Section 161 of the Code of Criminal Procedure. Even a nearby shopkeeper, adjacent to the branch had corroborated the aforesaid fact. In fact, it is a case of embezzlement of fund where the petitioner and other two co accused have been involved and the story of dacoity have been set up to shed such offence.

After hearing the respective counsels and on perusal of the materials on record and the document collected in course of investigation and the fact that the other co accused has not been granted bail, we do not find that it is a fit case where the petitioner should be enlarged on bail.

In view of the above, the prayer for bail is *rejected*.

The application for bail being CRM (DB) 12 of 2022 is accordingly dismissed.

However, we request the Trial Court to expedite the trial of the case as charge sheet has already been submitted.

(Harish Tandon, J)

(Rabindranath Samanta, J)