

18.01.2023
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allowed

CRM(DB) No. 206 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Tamluk Police Station Case No. 379 of 2022 dated 12.05.2022 under Sections 420/406/409/467/468/471/472/473/474/475/477A of the Indian Penal Code.

And
In Re : Rajat Maity petitioner

Mr. Ranadeb Sengupta
Mr. Sachit Talukdar
.....for the petitioner

Mr. Rudradipta Nandy, learned APP
Mr. Subrata Roy
Mrs. Sonali Das
..... for the State

Learned Counsel for the petitioner submits he is in custody for 62 days. It is also submitted that he was in no way connected with the crime. He was not named in the F.I.R. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits petitioner was entrusted with the responsibility of supervising the activities of the principal accused viz. Amit Sahoo who operated the Customer Service Point of a nationalised bank. Large volume of money deposited at the Service Point had been misappropriated.

We have considered the materials on record. Petitioner is not named in the F.I.R. He was not in charge of the Customer Service Point. Whether his failure to supervise was an act of negligence or a part of conspiracy may be thrashed out in the course of trial. It is pertinent to note no wrongful gain is traced to

the petitioner. In view of the aforesaid facts and as investigation is complete, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Tamluk, Purba Medinipur, subject to condition that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)