

06.02.2023.
35.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 447 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Mejia P. S. Case No.91 of 2022 dated 17.08.2022 under Sections 406/409/420/120B of the Indian Penal Code.

In the matter of : Sumanta Mahata.

.... Petitioner.

Mr. Soumik Ganguli.

...for the Petitioner.

Mrs. Anasuya Sinha,
Mr. Pinak Kr. Mitra.

...for the State.

Petitioner is in custody for 173 days. He submits he has been falsely implicated. Investigation is complete. Petitioner has voluntarily refunded a portion of the alleged defalcated amount before registration of FIR. He prays for bail.

Learned Advocate for the State opposes the bail prayer. She submits petitioner and co-accuseds were field officers of the de-facto complainant company. They defalcated the installments repaid by the borrowers to the company.

We have considered the materials on record. Investigation is complete so far as petitioner is concerned. Further investigation qua other accuseds is in progress and there is no possibility of trial commencing in near future.

Balancing the nature of accusation with the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Sumanta Mahata 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, Bankura subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the Trial Court without any 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, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)