

20.02.2023.
27.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 633 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhowanipore P. S. Case No.04 of 2022 dated 01.08.2022 under Sections 408/465/467/468/471/120B of the Indian Penal Code.

In the matter of : Amit Sharma.

.... Petitioner.

Mr. Ayan Bhattacharyya,
Mr. Aditya Ratan Tiwary,
Mr. Suman Majumder.

...for the Petitioner.

Mr. Rudradipta Nandy, ld. A.P.P.,
Mrs. Sonali Das.

...for the State.

Mr. Sabyasachi Banerjee,
Mr. Anirban Dutta,
Mr. Ajitesh Pandey,
Mr. Zubeen Pandey,
Ms. Nahid Ahmed.

...for the de-facto complainant.

Petitioner is in custody for 163 days. He submits he was granted bail earlier. Bail was cancelled and thereafter he surrendered before the jurisdictional Court. He has co-operated with the investigation. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits petitioner was an employee of the de-facto complainant. He forged documents and enabled misappropriation of jewelleryes. Principal accused is absconding.

Learned Advocate for the de-facto complainant also opposes the bail prayer.

We have considered the materials on record. It is alleged petitioner who was in-charge of Salt Lake Show Room. It is alleged he forged documents which enabled misappropriation of jewelleryes. Alleged forged documents are presently in the custody of the investigating agency. Bail granted to the petitioner earlier was cancelled on the ground that investigation is in progress. Subsequently, police report has been filed and investigation so far as it relates to the petitioner appears to have concluded.

In this factual matrix, release of the petitioner on bail would not impact the steps for apprehension of the absconding accused who is alleged to have misappropriated the jewelleryes. It is nobody's case that the petitioner is related to the said accused. Hence, we are inclined to enlarge the petitioner on bail.

Accordingly, the petitioner viz., Amit Sharma 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, Alipore, South 24-Paraganas 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.

Investigating agency shall take all necessary steps for apprehension of the absconding accused.

The application for bail is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)