

17.03.2023
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allowed

CRM(DB) No. 955 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Manikchak Police Station Case No. 142 of 2019 dated 29.05.2019 under Sections 409/34 of the Indian Penal Code.

And
In Re : Arati Sarkar petitioner

Mr. Sourav Chatterjee
Ms. Namrata Chatterjee
Mr. P. Biswas
.....for the petitioner

Mr. Swapan Banerjee
Ms. Purnima Ghosh
..... for the State

Learned Counsel for the petitioner submits co-accused deposited 50,00,000/- with the jurisdictional court and was enlarged on bail. She prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits petitioner was the Prodhan and misappropriated funds.

We have considered the materials on record. Subsequent to rejection of bail prayer a sum of Rs.50,00,000/- was deposited in the jurisdictional court by co-accused. Under such circumstances, co-accused was enlarged on bail.

In the light of the aforesaid change in the circumstances, we are inclined to extend the same privilege to the petitioner also.

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, Malda, subject to the 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 her 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.)