

21.03.2023
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allowed

CRM(DB) No. 1015 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Santipur Police Station Case No. 502 of 2020 dated 03.11.2020 under Sections 409/420/467/468/469/471/477A of the Indian Penal Code.

And

In Re : Saddam Hossain Sheikh petitioner

Mr. Prabir Majumder

....for the petitioner

Mr. Neguive Ahmed, learned APP

Ms. Trina Mitra

..... for the State

Learned Counsel for the petitioner submits he is in custody for 82 days. It is also submitted there was a dispute between one Prasanta Halder, Chairman of the Society (defacto complainant in the present case) and one Kalidas Roy, Secretary of the Society (a co-accused). He prays for bail.

Learned Counsel for the State opposes the bail prayer and submits petitioner acted in collusion with Kalidas Roy and misappropriated Rs.1.39 crore of the said Society. He has criminal antecedents.

We have considered the materials on record. One Prasanta Halder lodged the present case alleging misappropriation of funds by Kalidas Roy. On the other hand, Kalidas Roy lodged a counter case alleging involvement of Prasanta Halder in the said misappropriation. Petitioner is said to be an accomplice of Kalidas Roy. Said Kalidas Roy is absconding. Petitioner has been

subjected to custodial interrogation and is in custody for 82 days. No recovery was made from him.

In the aforesaid factual matrix further detention of the petitioner for progress of investigation is not necessary and he may be enlarged on bail.

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 Additional Chief Judicial Magistrate, Ranaghat, Nadia, subject to the further condition that petitioner shall meet the investigating officer once in a week until further orders. He 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.)