

30.03.2023
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allowed

CRM(DB) No. 1238 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhadreswar Police Station Case No. 69 of 2022 dated 17.02.2022 under Sections 420/406/409/34 of the Indian Penal Code and charge-sheet submitted under Sections 420/406/409/467/468/471/477A/34 of the Indian Penal Code.

And

In Re : Mamata Das petitioner

Ms. Sreyashee Biswas

Ms. Puja Goswami

.....for the petitioner

Mr. Madhusudan Sur, learned APP

Mr. Dipankar Paramanick

..... for the State

Learned Counsel for the petitioner submits she is in custody for 78 days. It is also submitted behind her back a sum of Rs.72,000/- was credited in her account. Co-accuseds have been enlarged on bail. She prays for bail.

Learned Counsel for the State opposes the bail prayer and submits bail prayer of another co-accused was turned down by this Court.

We have considered the materials on record. Allegations involve defalcation of public funds in a bank. Bail prayer of the employees of the bank who were actively involved in the misappropriation of money under the ruse of grant of loan had been turned down. Money was surreptitiously credited in the accounts of various customers and thereafter siphoned away. Petitioner is one of the customers. Bail prayer of the other

customers similarly placed with the petitioner has been allowed. Keeping in mind the extent of complicity of the petitioner in the crime and as she stands on the same footing with co-accused who are on bail and not on par with the employees of the bank whose bail prayer had been rejected, we are inclined to grant bail to her.

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, Hooghly Sadar, subject to condition that the 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.)