

25.05.2023.
08.
Ct.No.08.
as/nb
(Allowed).

C.R.M. (A) 2136 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Maidan P.S. Case No.40 of 2023 dated 28.04.2023 under Sections 120B/420/406/506(ii) of the Indian Penal Code.

In the matter of : Bhaskar Ghosh & Ors.
... Petitioners.

Mr. Arindam Jana,
Mrs. Somsubhra Ganguly,
Ms. Dipa Acharyya,
Mr. Sagar Dey.
...for the Petitioners.

Mr. Rudradipta Nandy, ld. A.P.P.,
Mr. Subrato Roy.
...for the State.

This case has been started basing upon an F.I.R. lodged by one Deboprasad Halder wherein it was , inter alia, alleged that the accused/petitioners have misappropriated the fund collected by 'Sangrami Joutha Mancha' as donations from the supporters and members of that organization.

Mr. Jana, learned advocate representing the accused/petitioners contends that allegation levelled against the petitioners are false and out of personal grudge and vendetta, the complaint has been lodged. He submits there is no bank account in the name of the organization and he further contends that the fund has been audited and he submits that audit report. Copy of the document, as produced by Mr. Jana, be kept on record.

Learned Advocate for the State submits that the notice under Section 160 of the Code of Criminal Procedure has been issued to the petitioners.

Heard the learned advocate appearing for the respective parties. Perused the case diary and other materials on record.

On such hearing and perusal of the case diary, we are of the view that custodial interrogation of the petitioners is not necessary and benefit under Section 438 of the Code can be granted to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of Rs.5,000/- each, to the satisfaction of the learned Chief Metropolitan Magistrate, Calcutta subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioners pray for regular bail within four weeks from date and on further condition that the petitioners shall co-operate with the investigating agency as and when such cooperation will be sought for.

This application for anticipatory bail is disposed of.

(Partha Sarathi Chatterjee, J.) (Abhijit Gangopadhyay, J.)

