

21.06.2023

Sl. 13

Court No.29

Suvayan

(Allowed)

C.R.M. (DB) 2256 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Chandrakona** P. S. Case No. **382 of 2022** dated **16.09.2022** under Sections **420/406/409/120B/34** of the IPC, 1860.

And

In the matter of: **Sri Joydeb Roy**

....petitioner

Mr. Sabir Ahmed

Mr. Sudip Kushari

Ms. Suman Biswas

...for the petitioner.

Mr. Ranabir Roy Chowdhury

Mr. Mainak Gupta

...for the State.

1. Heard the learned Counsel for both the parties.
2. The petitioner is stated to be a Director of the co-operative society. There is alleged to be illegality and irregularity in sanction of loan. The petitioner is stated to be out of the Board now. He is stated to be in custody for about five years. The evidence being documentary in nature there is no scope on the part of the petitioner to tamper with the evidence. He being deep rooted in the society, there is no chance of his absconding. The principle of 'bail is the rule' can be applied to the present case in view of his long incarceration.
3. Regard being had to the facts and submissions in the case, factum of permanent residence of the petitioner and the stage of the proceeding, it is directed that the petitioner shall be released on bail by the learned Additional Sessions Judge, 1st Court, Paschim Medinipur in S.T. No. 50 of 2023 (R-50/23) in connection with Chandrakona P.S. case No. 382 of 2022 on such terms and conditions as deemed just and proper in the facts and circumstances of the present case.

4. The learned Trial Court is directed to act on the server copy of this order.
5. Accordingly, the prayer for bail of the petitioner is allowed.
6. CRM (DB) 2256 of 2023 is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)