

03.07.2023.
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Ct.No.28
ss/SD
(Allowed)

C.R.M. (DB) 2453 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Panduah P. S. Case No.337 of 2021 dated 11.08.2021 under Sections 420/409 of the Indian Penal Code.

In the matter of : Nimai Chandra Ghosh

.... Petitioner.

Mr. Ankit Agarwalla

Ms. Alotriya Mukherjee

...for the Petitioner.

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

...for the State.

Heard learned lawyers for the parties.

Petitioner is in custody for 437 days. It is submitted that there is no progress in the matter. He prays for bail.

Learned lawyer for the State submits that the petitioner had approached this Court praying for quashing of the proceeding and obtained a stay order. As a result, trial could not proceed.

We have considered the materials on record. Allegations involve misappropriation of funds of a co-operative society. Offence even if proved, would not attract mandatory life imprisonment. Legality of the prosecution is also under challenge.

Under such circumstance and in view of protracted period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, 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 A.C.J.M., Hooghly at Chinsurah, subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the Trial Court without any 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, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)