

25.07.2023
(D/L 21)
Ct. No.29
Allowed
(SKB)

CRM (A) 2639 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Monteswar P.S. Case No.196 of 2020 dated 30.07.2020 under Sections 420/406/409 of the Indian Penal Code corresponding to G.R. No.993 of 2020.

In the matter of : Sandip Hazra and another
... Petitioners

Mr. Jyoti Prakash Chatterjee,
Mr. Kusal Kumar Mukherjee,
Ms. Eskita Aich
... for the petitioners

Mr. Rudradipta Nandy, Id. APP
Ms. Sonali Das
... for the State

1. Heard the learned Counsel for the parties.
2. The defalcation of paddy given for Customs Milling to the Rice Mill, of which the present petitioners are Directors, amounts of Rs.3 crores and above. Further it is found that in respect of the rice mill of the petitioners, Notice under Section 13(4) of the SARFAESI Act, 2002 has already been issued.
3. We clearly find a *prima facie* case under Section 409 IPC as the petitioners' rice mill is the agent of the Food and Supply Department and the fact that three years have already elapsed in the meantime and charge-sheet has already been filed. We do not find any justification for custodial interrogation of the petitioners. Further, all the material evidences are documentary in nature and there is no chance of tampering of such evidences by the petitioners.

4. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of offence and completion of investigation, it is directed that each of the petitioner shall be released on bail by the Arresting Officer in the event of their arrest in the G.R. No.993 of 2020 arising out of the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the conditions that the petitioners shall not leave the jurisdiction of the trial court without taking prior permission from the said court and the petitioners shall appear before the said court on each date of substantive hearing during trial subject to provision of Section 317/205 Cr.P.C.
5. Accordingly, the prayer for the anticipatory bail is allowed.
6. Within 21 days from today petitioners are directed to appear before the I.O. along with a server copy or certified copy of this order.
7. The application being CRM(A) 2639 of 2023 is disposed of.
8. The Arresting Officer is hereby directed to act upon the server copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)