

06.07.2023
D/L 38
Ct. No.28
Allowed
(SKB)

CRM (DB) 2674 of 2023

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Ghatal P.S. Case No.116 of 2021 dated 08.04.2021 under Sections 467/471/473/419/420/406/409/120B/34 of the Indian Penal Code and the charge was framed under Sections 419/420/473/120B/34 read with Sections 8/9/10 of the Prevention of Corruption Act

And

In the matter of : Rajib Bakshi @ Rajib Boxi
... Petitioner

Mr. Ayan Bhattacharjee,
Mr. Sagar Saha,
Mr. Subir Debnath,
Mr. Manojit Debnath,
Ms. Roma Roy,
Ms. Aatreya Mukherjee,
Mr. S. Banerjee,
Mr. P. Adhikari

... for the petitioner

Mr. Rudradipta Nandi, ld. APP
Mr. Subrato Roy

... for the State

Petitioner is in custody for more than two years. In spite of direction given by this court, only one witness has been examined as yet. There is little possibility of trial concluding in the near future. He prays for bail.

Learned advocate for the State opposes the bail prayer. He submits that the petitioner is the principal offender. He personated as a Cyber Cell Officer and misappropriated a sum of Rs.18 crores from the accounts maintained in the bank.

We have considered the materials on record. Allegations are grave. Bail prayer of the petitioner was earlier rejected on merits in November, 2022. While rejecting the bail prayer of the petitioner, this court directed to examine all the vulnerable witnesses within six months from the next date of recording evidences. Till date only one witness has been examined. On the other hand, various applications have been filed on behalf of the prosecution for collection of further evidence.

In this backdrop, it is left to one's imagination when the trial shall be concluded. Petitioner has already suffered incarceration for more than two years. There is no chance of his abscondance.

Under such circumstances, we are inclined to grant bail to the petitioner.

Therefore, the petitioner Rajib Bakshi @ Rajib Boxi be released on bail upon furnishing a bond of Rs.10,000/-(Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned CJM, Paschim Medinipur subject to condition that the said petitioner 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.

Petitioner while in bail shall remain within the district of Paschim Medinipur and report to Gharat Police Station once in a week.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)