

24.07.2023.
26.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 2837 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.

In the matter of : Gautam Dutta.

.... Petitioner.

Mr. Sourav Chatterjee,
Mr. S. Das Mahapatra,
Ms. Madhurai Sinha.

...for the Petitioner.

Mr. Sudip Ghosh,
Mr. Bitasok Banerjee.

...for the State.

Petitioner is in custody for one year and five months. He submits he was a former employee of the bank and had been duped by the co-accused Rajib Bakshi @ Rajib Boxi who posed as an Officer of Cyber Crime Cell, Siliguri and issued instructions to transfer funds. Subsequently, the funds were misappropriated. The said Rajib Bakshi @ Rajib Boxi is on bail. There is little possibility of concluding the trial in near future. He prays for bail.

Learned Additional Public Prosecutor submits petitioner, a former employee of the bank was a conspirator with co-accused Rajib Bakshi @ Rajib Boxi. In collusion with other, they misappropriated public money. One witness has already been examined and the prosecution proposes to examine six more vital witnesses to prove its case.

In rebuttal, learned Advocate for the petitioner submits that the list of witnesses in the charge sheet is to the tune of 126.

We have considered the materials on record. Petitioner was a former employee of the bank. It is alleged that he in conspiracy with Rajib Bakshi @ Rajib Boxi permitted funds to be transferred and aided its misappropriation. He is in custody for more than one and half years. Though trial has commenced, prosecution proposes to examine a large number of witnesses. It is argued six vital witnesses are sufficient to establish the substratum of the case.

We have gone through list of vital witnesses. All the witnesses are employees of the bank and they would primarily depose with regard to day to day functioning of the bank and documentary evidence. Possibility of winning over of the said witnesses who propose to unfold the prosecution case by proving relevant documents is bleak. Co-accused Rajib Bakshi @ Rajib Boxi is on bail. Petitioner has permanent home and hearth and there is no chance of his abscondence.

Hence, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Gautam Dutta 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 Chief Judicial Magistrate, Paschim Medinipur 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 and on further condition that the petitioner while on bail shall remain within the Municipal limits of Kolkata except for attending court proceeding and shall report to the Special Superintendent, Headquarters, CID, Bhawani Bhawan once in a week until further orders.

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.

Trial Court is requested to proceed with the trial with utmost expedition. Any unjustifiable or dilution at the behest of the petitioner would be treated as breach of condition of bail and trial court shall be at liberty to cancel the bail.

The application for bail is, thus disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)