

24.08.2023
(M/L 413)
Ct. No.29
Allowed
(SKB)

CRM (A) 3229 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Tehatta P.S. Case No.394 of 2023 dated 18.05.2023 under Sections 420/409/465/467/468/471/120B of the Indian Penal Code.

In the matter of : Prasanta Dutta

... petitioner

Mr. Aritra Kumar Thokdar

... for the petitioner

Mr. Sudip Ghosh,
Mr. Koushik Kundu

... for the State

1. Heard the learned Counsel for the parties.
2. Co-accused Abhijit Biswas, Head Clerk of the office of the concerned BDO has admitted to the anticipatory bail vide order dated 04.07.2023 passed in CRM(A) 2304 of 2023. The present petitioner is the contractor who is alleged to have been benefited in connivance with the aforesaid Abhijit Biswas. The entire amount of defalcation is stated to have been deposited in CMDMP Block Account.
3. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation, nature of offence, nature of evidence and substantial progress in investigation, it is directed that the petitioner shall be released on bail by the Arresting Officer in the event of his arrest in aforesaid P.S. case on

such terms and conditions as deemed just and proper in the facts and circumstances of the case.

- i) The petitioner is directed to appear before the IO once in a week on the day and time fixed by the IO for the purpose of investigation till submission of Final Form.
 - ii) The petitioner shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order.
4. Accordingly, the prayer for the anticipatory bail is allowed.
 5. Within 21 days from today petitioner is directed to appear before the I.O. along with a server copy or certified copy of this order.
 6. The application being CRM(A) 3229 of 2023 is disposed of.
 7. The Arresting Officer is hereby directed to act upon the server copy or certified copy of this order.
 8. The report filed by the Tehatta P.S. is taken on record.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)