

18.10.2023
Sl. No.22
akd
[ALLOWED]

C. R. M. (DB) 3433 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 28.08.2023 in connection with Kaliganj Police Station Case No.205 of 2023 dated 06.04.2023 under Sections 409/467/468/34 of the Indian Penal Code.

And

In Re: ***Kamamatulla Sk. @ Bakul @ Karamatulla Sekh***
... .. Petitioner

Mr. Arnab Chatterjee
... .. for the petitioner

Mr. Sudip Ghosh
Mr. Bitasok Banerjee
... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 190 days. Charge has already been framed. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioner was the cashier of a cooperative bank. He along with others misappropriated the funds of the bank running to crores.
3. We have considered the materials on record. Allegations involve corruption and abuse of official position. However, investigation is complete and charges have been framed. Prosecution proposes to examine 31 witnesses. There is no possibility of trial concluding in the near future. Offences, even if proved, would not attract mandatory life imprisonment. There is no chance of abscondence of the petitioner. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.
4. Therefore, the accused/petitioner, namely ***Kamamatulla Sk. @ Bakul @ Karamatulla Sekh***, 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 Chief Judicial Magistrate, Nadia at Krishnanagar 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.

5. 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.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)