

03.10.2023
D/L 37
Ct. No.29
(Allowed)
(SKB)

CRM (A) 3968 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Bally P. S. Case No.13 of 2023 dated 04.02.2023 under Sections 420/406/467/468 of the Indian Penal Code corresponding to G.R. Case No.547 of 2023.

In the matter of : Sri Baldeo Kumar Yadav
... Petitioner

Ms. Sanjukta Samanta
... for the petitioner

Mr. Sudip Ghosh,
Mr. Koushik Kundu
... for the State

Mr. A. Bhattacharya
... for the defacto complainant

1. Heard learned counsel for the parties.
2. The service of the informant was outsourced for collection of payments in respect of updating of AADHAAR Card. The present petitioner was an employee of the informant. From the materials in the CD, we find that the petitioner has collected the amount from the citizens who came to update their AADHAAR Cards and received the requisite fees. But the said amount has not been further deposited by the petitioner in the requisite deposit, as a result of such action of the petitioner, the AADHAAR Cards of the applicants have not yet been updated and in that process, the petitioner has defrauded the informant of about Rs.21

lakhs. From the entire transaction, we find that there are also some elements of absence of diligence so far as supervisory functions of the informant are concerned in ensuring deposit by his employee.

3. From the materials on record, we find that all the evidence in the case is document based and there is also no denial of the fact that the present petitioner was the employee of the informant.
4. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation, especially 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 the G.R. Case No.547 of 2023 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:
 - i) The petitioner is directed to appear before the IO twice in a week on the day and time fixed by the IO for the purpose of investigation till submissions of Final Form.
 - ii) The petitioner shall not leave the jurisdiction of the P.S. without obtaining prior leave from the IO during investigation and
 - iii) the petitioner is directed to produce all his original educational certificates before the IO where an endorsement shall be made by the IO that the

petitioner is involved in a case of cheating etc. and the informant is directed to dispense with the service of the petitioner forthwith.

5. Accordingly, the prayer for the anticipatory bail is allowed.
6. 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.
7. The applications being CRM(A) 3968 of 2023 is disposed of.
8. The Arresting Officer is hereby directed to act upon the server copy or certified copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)