

04.10.2023
SL. 55
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 4051 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Kharagpur (Town) Police Station Case No. 285 of 2023** dated **31.05.2023** under Sections **406/420** of the IPC.

And

In the matter of: **Smt. Basanti Kar Mahapatra**

....petitioner.

Mr. Bharat Chandra Simai
Ms. Sanchayita Das

...for the petitioner.

Mr. Rudradipta Nandy, APP
Mr. Subroto Roy

...for the State.

1. Heard learned Counsel for both the parties.
2. The present petitioner was the U.D. Clerk and at the relevant time she was the head clerk-in-charge in the office of Assistant Director of Agriculture (Administration), Kharagpur Sub-Division. It is alleged that the petitioner in the name of solving the problem of service and entitlement of the “Krishi Shramiks” has misappropriated about Rs. 6 lakhs from the pension of ex-employees of the office.
3. All the materials and evidence to be placed by the prosecution being documentary in nature, we do not find any justification for custodial interrogation of the present petitioner.
4. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation, 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 her arrest in the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
5. The concerned Arresting Officer is hereby directed to act upon

the server copy of this order.

6. Within 21 days from today the petitioner shall appear before the I.O. alongwith a server copy/certified copy of this order. If server copy is supplied, learned I.O. shall act upon that.
7. Accordingly, the prayer for the anticipatory bail is allowed.
8. The application being CRM (A) 4051 of 2023 is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

