

11.10.2023
ML. 11
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 4100 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Amherst Street** Police Station Case No. **143 of 2023** dated **15.07.2023** under Section **408** of the IPC.

And

In the matter of: **Ramprasad Singha Roy**

....petitioner.

Ms. Sananda Bhattacharyya

...for the petitioner.

Mr. Binay Panda

Mr. Subham Kanti Bhakat

...for the State.

Mr. Abhra Mukherjee

Mr. Sauradeep Dutta

Mr. Swakshar Kumar Mondal

...for the de facto complainant.

1. Heard learned Counsel for both the parties.
2. The petitioner is stated to be an employee of the informant's firm. The petitioner was entrusted with Rs. 26,50,000/- (Rupees Twenty Six Lakh Fifty Thousand Only) for delivery of the same in a branch office of the principal firm. The petitioner, however, did not deliver the amount in the specified branch and kept his mobile phone off. After the informant and there employee could not find the petitioner, the present FIR was lodged. Perusal of the C.D. shows that there is eyewitness accounts regarding the payment of money made by the principal in the hand of the petitioner. But, we do not find any documents showing delivery of the amount and endorsement of the petitioner on such delivery slip.
3. The question of entrustment being the germ of the offence, it is better to be decided by the Trial Court on the basis of evidence adduced.
4. We do not, however, find any justification for custodial

interrogation of the petitioner and the eyewitnesses having already been examined there is no scope on the part of the petitioner to tamper with the evidence. We also do not find any flight risk so far as the petitioner is concerned.

5. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation, nature of offence 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 aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the condition that:

- (i) The petitioner is directed to appear before the I.O. once in a week on the day and time fixed by the I.O. for the purpose of investigation till submission of F.F.

6. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
7. 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.
8. Accordingly, the prayer for the anticipatory bail is allowed.
9. The application being CRM (A) 4100 of 2023 is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

