

15.09.2023
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rejected

C.R.M.(DB) No. 3586 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhadreswar Police Station Case No. 69 of 2022 dated 17.02.2022 under Sections 420/406/409/34 of the Indian Penal Code.

And

In Re : Sourav Biswas petitioner

Mr. Bibaswan Bhattacharya

Mr. Bitasok Banerjee

Mr. Abdus Salam

....for the petitioner

Mr. Sudip Ghosh

Mr. Koushik Kundu

..... for the State

1. Learned Counsel for the petitioner submits he is not an employee of the bank. He was appointed as an ad hoc Group-D staff by the manager of the bank. He did not have any role to play in withdrawals from the bank. Funds were misappropriated by siphoning them through the accounts of various customers. These customers have been enlarged on bail. Petitioner stands on the same footing and prays for bail.

2. Learned Counsel for the State opposes the prayer for bail.

3. We have considered the materials on record. Petitioner was appointed as an adhoc Group-D staff by the principal accused i.e. manager of the bank. In collusion with the manager petitioner siphon away money through the accounts of various customers and misappropriated the same. He does not stand on the same footing with the customers whose accounts were used to siphon away

misappropriated funds. Keeping in mind the nature of offence which involve misappropriation of funds by public servants, we are not inclined to grant bail to the petitioner.

4. The application for bail is, thus, rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)