

25.09.2023
Sl. No.16
akd
[ALLOWED]

C. R. M. (DB) 3641 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 11.09.2023 in connection with Alipore Police Station Case No.142 of 2019 dated 29.11.2019 under Sections 420/467/468/471/120B of the Indian Penal Code and Sections 7A/8/9/12 of the Prevention of Corruption Act, 1988. (C.G.R. Case No.4229 of 2019)

And

In Re: ***Rajat Sinha Roy***

... .. Petitioner

Mr. Sekhar Kumar Basu .. Sr. Advocate
Mr. Soubhik Mitter
Ms. Rajnandini Das
Mr. Karan Bapuli

... .. for the petitioner

Ms. Sibangi Chattopadhyay

... .. for the de-facto complainant

Mr. Neguive Ahmed .. Id. Addl. Public Prosecutor
Ms. Trina Mitra

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about one year and nine months. It is further submitted petitioner was not made an accused in the initial charge sheet. Subsequently, he was arrayed as an accused. He surrendered before the trial court and has been taken into custody. He contends alleged misappropriated sum to the tune of Rs.12 lakhs had been tendered by him before the trial court. Co-accused has been enlarged on bail by a coordinate Bench of this court. Accordingly, he prays for bail.
2. Learned Additional Public Prosecutor opposes the prayer for bail and submits the instant case involves corruption in the district Judgeship. Petitioner had entered into conspiracy with the former Nazir, a co-accused and had helped in misappropriation of a sum of Rs.12 lakhs without delivering goods to the Judgeship.

3. Learned Advocate for the de-facto complainant also opposes the prayer for bail.
4. We have considered the materials on record. Allegations involve corruption in the district Judgeship with regard to supply of chairs, computer tables etc. Without supplying the tendered articles, a sum of Rs.12 lakhs was misappropriated by the petitioner and co-accused. Though the allegations are grave, we note that the co-accused including the former District Nazir have been enlarged on bail. There is little possibility of trial concluding in the near future.
5. 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.
6. Therefore, the accused/petitioner, namely **Rajat Sinha Roy**, 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, South 24-Parganas at Alipore 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.
7. 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.
8. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

