

17.10.2023.
46.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 4080 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Garnbeta P.S. Case No.313 of 2022 dated 02.06.2022 under Sections 406/464/467 of the Indian Penal Code and charge sheet submitted under Sections 406/408/409/465/467/468/120B/34 of the Indian Penal Code.

In the matter of : **Arafat Hossain Khan & Anr.**

.... Petitioners.

Mr. Ayan Bhattacharyya,
Mr. Sagar Saha,
Mr. Manojit Debnath.

...for the Petitioners.

Mr. Swapan Banerjee,
Ms. Purnima Ghosh.

...for the State.

1. Petitioners are employees of a Panchayat. A co-employee viz., Maloy Sarkar @ Moloy Sarkar has been enlarged on bail. They pray for bail.
2. Learned Advocate for the State opposes the bail prayer. He contends bail prayer of petitioner no.1 was rejected earlier on merits.
3. We have considered the materials on record. Petitioner no.1 was a photographer who allegedly took photographs of houses unrelated to the scheme and thereby aided and abetted the misappropriation. Petitioner No.2 is a Data Entry Operator who is also alleged to have aided the illegal activity. Unfortunately, for reasons best known to the prosecution, the Panchayat prodhan who was entrusted with the funds has not

been arrayed as an accused. Noticing this fact, co-accused Maloy Sarkar @ Moloy Sarkar has been enlarged on bail.

4. We do not find any reason to take a different view so far as the petitioners are concerned. Hence, we are inclined to grant bail to enlarge the petitioners on bail.

5. Accordingly, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Paschim Medinipur subject to condition that they 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.

6. In the event the petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

7. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)