

21.12.2023
tkm/ct 28
sl no. 42

C.R.M. (DB) 4378 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Bally P.S case no. 13 of 2023 dated 27.10.2023 under sections 420/406/467/468 IPC
and

Allowed

In Re : Shivendra Kumar

..... petitioner

Ms. S Samanta

..... for the petitioner

Mr. Prasun Datta

Mr. Pradipto Ganguli

..... for the State

1. Petitioner is in custody for 61 days. It is submitted there is delay in lodging FIR. He has been falsely implicated. He prays for bail.
2. Learned lawyer for the State opposes the bail prayer. He submits petitioner was an employee of the complainant company which was entrusted in dealing with Aadhaar projects in Bihar through its agency EMDEE Digitrome Pvt. Ltd. Petitioner misappropriated monies entrusted to him by various individuals.
3. We have considered the materials on record. Allegations involve failure to account for funds entrusted to the petitioner. Petitioner is in custody for 61 days and investigation has considerably progressed. Further detention for progress of investigation is not necessary. There is no chance of abscondence.
4. Under such circumstances, we are of the opinion petitioner may be granted bail however, subject to condition.
5. Accordingly, the petitioner be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like

amount each, one of whom must be local to the satisfaction of the learned CJM, Howrah on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner shall meet the Officer-in-Charge, Bally P.S once in a week until further orders.

6. 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.
7. The application being CRM (DB) 4378 of 2023 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)