

04.05.2023
KC (11)

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M.(DB) 178 of 2023

In the Matter of : Rageswari Routh
..... petitioner.

Mr. Hillol Saha Poddar,
Ms. Mousumi Das.....For the petitioner.

Mr. Kollol Acharjee,
Ms. Sukanya Adhikary.....For the State.

This is an application for grant of bail filed under Section 439 of the Code of Criminal Procedure, 1973 in connection with F.I.R. No. 262 of 2022 dated 30th April, 2022 under Sections 409/419/420/468/471/201/120B of the Indian Penal Code corresponding to Special Case No. 12 of 2022 pending before the court of learned Judge, Special Court-cum-Additional Sessions Judge, 2nd Court, Jalpaiguri.

The allegation against the petitioner is of her complicity in the mis-appropriation of pension fund of the State government.

The case against her is that in collusion and connivance with the principal accused, a fake bank account had been created in her name in which pension amounts were diverted, showing her as a pensioner.

The complaint was made on 30th April, 2022. It took the police nearly one year to arrest the petitioner, who was taken into custody on 14th March, 2023.

A co-accused with similar allegation against him was granted anticipatory bail by this court on 9th March, 2023.

Yet it is submitted on behalf of the State that investigation is not complete and that the petitioner be detained in custody.

Between the dates of complaint and arrest there was a gap of one year. The petitioner was at large.

We see no justification for custodial interrogation at this stage because whatever mischief the petitioner could have done must have been done in this period.

However, considering the submissions of learned counsel for the State we direct that on and from 1st June, 2023 the petitioner shall be released on bail on the terms and conditions enumerated below. The State has three weeks' time to carry out whatever further investigation they propose while the petitioner is in custody.

The petitioner will be enlarged on bail on and from 1st June, 2023 upon furnishing a bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Jalpaiguri on the following conditions:

1. The petitioner shall deposit her passport, if she has one, with the investigating officer,

2. She shall report before the said officer once a week,
3. The petitioner shall not leave the limits of the Jalpaiguri where she resides without informing the I.C.,
4. She shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
5. The petitioner shall attend the court on each and every day of trial, in default, the court shall be at liberty to cancel the bail bond without any reference to this bench.

The application for bail [CRM (DB) 178 of 2023] is, accordingly, disposed of.

(I.P. MUKERJI, J.)

(ANANYA BANDYOPADHYAY, J.)

