

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

16.08.2023
Court No.1
Item. 48
(sg/cm)

CRM(A) 570 OF 2023

In Re: An application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure, 1973 filed in connection with Kotwali Police Station Case No. 1303 of 2016 dated 04.12.2016 under Sections 409/420/471/34 of the Indian Penal Code read with Section 13(1)(d) of the Prevention of Corruption Act, 1988.

And

In the matter of: REBA KUNDU

.Petitioner.

Mr. Srijib Chakraborty

For the Petitioner.

Mr. Ujjwal Luksom

Mr. Tapan Bhattacharjee

For the State.

Mr. Sukanta Chakraborty

Ms. Isha Acharya

For the De-facto Complainant

1. The petitioner before us is the chairperson of the Cooch Behar Municipality. The allegation is that the petitioner was involved in bifurcation of a Government project and made money out of the alleged activities. The F.I.R. was registered on 4th December, 2016 and charge-sheet was filed on 13th February, 2018. The supplementary charge-sheet was filed on 5th March, 2018. The petitioner's challenge to the charge-sheet was dismissed on 11th July, 2023.
2. According to learned counsel, it is more than five years from completion of investigation and further that the petitioner was not the sole decision making authority for the alleged acts.

3. Learned counsel appearing for the prosecution submits that the petitioner is involved in an economic offence and a large amount of money is at stake.
4. The de-facto complainant is also represented.
5. Having considered the relevant facts including the fact of more than five years having elapsed from the completion of investigation, we are of the view that the petitioner's custodial interrogation is not required. We, however, deem it fit to impose certain conditions so that the petitioner makes herself available for trial or any other reason whatever and whenever the petitioner is required.
6. CRM(A) No. 570 of 2023 is hereby allowed and disposed of with the following directions.
7. The petitioner shall be released on bail in the event the petitioner is arrested upon furnishing a bond of Rs.30,000/- with two sureties of like amount each, one of who shall be local, to the satisfaction of the Learned Special Judge (Essential Commodities Act) Cum Learned Additional District & Sessions Judge, 2nd Court, Sadar, Cooch Behar. The petitioner shall comply with the conditions of Section 438 (2) of the Cr.P.C. The petitioner shall make herself available before the jurisdictional police station once every month and not leave the jurisdictional limits of the police station without leave of the Court.
8. We are of the view that the trial should be expedited since it has been five years from the completion of the investigation. We accordingly request the learned Court to make an effort to expedite the trial and complete the same within a period of one year without granting

unnecessary adjournments. The one year is also as per the satisfaction of the learned counsel appearing for the parties.

9. CRM(A) 570 of 2023 is accordingly allowed and disposed of.

(PRASENJIT BISWAS,J.)

(MOUSHUMI BHATTACHARYA,J.)