

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

17.08.2023
Court No.1
Item. 50
(sg/cm)

CRM(A) 603 OF 2023

In Re: An application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure, 1973 filed in connection with Alipurduar Police Station Case No. 114/2020 dated 05.03.2020 under Sections 406/409/120B of the Indian Penal Code.

And

In the matter of: BISWAJIT BISWAS

.Petitioner.

Mr. Jaydeep Kanta Bhowmik

For the Petitioner.

Mr. Tapan Bhattacharjee
Mr. Dhiman Sil

For the State.

1. The petitioner served as the Auditor of a Cooperative Society against who charges of financial irregularities were made by one of the account-holders of that Samity.
2. The petitioner has come before the Court upon being made aware that the petitioner's superior has received a report pointing to some irregularities in the audit of the Samity for the year 2017-18.
3. The facts show that apart from the other non-concrete material before us, there is also a lapse of five years in the interregnum when no charges were made against the petitioner.
4. The facts persuade us to grant the prayer for anticipatory bail.
5. We accordingly direct that in the event of arrest, the petitioner shall 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 who must be local, to the satisfaction of the Arresting Officer and also comply with the conditions laid down under Section 438(2) of The Code of Criminal Procedure, 1973. The petitioner shall cooperate with the investigation and make himself available for questioning to the Investigating Officer once in a fortnight until further orders. The petitioner shall also not intimidate any witnesses or tamper with any evidence in any manner whatsoever.

6. The application for anticipatory bail being CRM(A) 603 of 2023 is allowed and disposed of in terms of the above.

(PRASENJIT BISWAS,J.)

(MOUSHUMI BHATTACHARYA,J.)