

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

23.08.2023
Court No.1
(AK 41)

CRM(A) 624 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with Phansidewa Police Station Case No. 100 of 2023 dated 16.03.2023 under Sections 406/420 of the IPC.

And

In the matter of: **Dipesh Roy**

. **Petitioner.**

Mr. Sourav Ganguly
Mr. Bibek Tarafder
Mr. Gopal Roy

...for the petitioner.

Mr. Abhijit Sarkar
Mr. Dhiman Sil

...for the State.

The alleged offence against the petitioner is of misappropriation of funds. Charges were brought against the petitioner after the petitioner resigned from the concerned Company on 8th March, 2023. The petitioner was working in the Company from 2021. The case was instituted on 16th March, 2023 after the petitioner dissociated himself from the Company.

Apart from the facts as stated above, we have also been shown a coordinate Bench judgment in *Saranjit Singh (CRM(A) 575 of 2023)* where the petitioner therein was granted anticipatory bail on similar circumstances.

It is also admitted that the petitioner has complied with the notice under Section 41A of the CrPC.

We are of the view that custodial interrogation of the petitioner is not required.

The prayer for anticipatory bail is hence allowed.

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) 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.

The application for anticipatory bail being CRM(A) 624 of 2023 is allowed and disposed of in terms of the above.

(PRASENJIT BISWAS, J.)

(MOUSHUMI BHATTACHARYA, J.)