

25.09.2023.

Item No. 38

Court No.1

ap

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE*

C.R.M. (A) No. 745 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 filed on 04.09.2023 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: **Md. Saifulla Molla.** ...petitioner

Mr. Ujjal Ray,
Sk. Abdur Rahim. ...For the petitioner

Mr. Aditi Shankar Chakraborty, APP
Mr. Subhasis Mishra.For the State

1. This is an application for anticipatory bail 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.

2. It appears that the charge-sheet has since been filed as also the supplementary charge-sheet. By an order dated 16th August, 2023 the then Chairman and the Commissioner of the Cooch Behar Municipality have been granted anticipatory bail.

3. The petitioner was the Chief Executive Officer of Cooch Behar Municipality at the relevant point of time and was on extension post superannuation and now he

has retired from service. An earlier bail application of other accused persons was rejected by a Co-ordinate Bench of this Court. The petitioner's own application for anticipatory bail being C.R.M (A) No. 6972 of 2018 was rejected on 18th September, 2018.

4. In view of the anticipatory bail having been granted by a Co-ordinate Bench of this Court in C.R.M. (A) No. 570 of 2023 dated 16th August, 2023 and C.R.M. (A) No. 684 of 2023 dated 23rd August, 2023, this Court is left with no other option than to grant anticipatory bail to the petitioner as well since he is similarly placed.

5. It is directed that in the event of arrest, the petitioner shall be released on bail to the satisfaction of the arresting officer upon furnishing a Bond of Rs.30,000/- with two sureties of Rs.15,000/- each, one of whom must be local, subject to the condition that the petitioner shall report to the Investigating Officer of the case once in a fortnight until further of this Court.

6. This order is subject to the conditions laid down in sub-section (2) of Section 438 of the Code of Criminal Procedure.

7. The A.P.P. has submitted that he shall consult the Public Prosecutor, Advocate General and other stakeholders on the feasibility of challenge to the said orders dated 16th August, 2023 and 23rd August, 2023.

8. In the event of any interference with the said orders by a Higher Forum, the instant order shall also abide by the same.

9. The Case Diary be returned.

10. C.R.M. (A) No. 745 of 2023 is, thus, disposed of.

11. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Supratim Bhattacharya, J.) (Rajasekhar Mantha, J.)