

05.10.2023.

Item No. 59

Court No.1

ap

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

C.R.M. (A) No. 839 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 filed on 18.09.2023 in connection with Coochbehar 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: **Kanakendra Das.** ...petitioner

Mr. Deborshi Dhar. ...For the petitioner

Mr. Abhijit Sarkar,
Mr. Subhasis Mishra.For the State

1. The application for anticipatory bail is made on the ground that the petitioner was an Accountant under Cooch Behar Municipality in respect of an allegation of defalcation of public fund. Charge-sheet has been submitted and all the three co-accused persons have been granted anticipatory bail by 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 and C.R.M. (A) No. 745 of 2023 dated 25th September, 2023.

2. In the above circumstances, the petitioner shall be entitled to anticipatory bail.

3. 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 after release, the petitioner shall attend the Court below on all the dates, as specified for hearing.

4. It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned Trial Court would be at liberty to cancel his bail without any further reference to this Court.

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

6. 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 25th September, 2023 16th August, 2023 and 23rd August, 2023.

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

8. The Case Diary be returned.

9. C.R.M. (A) No. 839 of 2023 is, thus, disposed of.

10. 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.)

