

25.01.2024.
22.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 116 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Newtown P.S. Case No.121 of 2023 dated 20.04.2023 under Sections 419/420/406/467/468/469/471/120B of the Indian Penal Code and charge sheet submitted under Sections 419/420/406/409/120B of the Indian Penal Code and Sections 7/13 of the Prevention of Corruption Act.

In the matter of : **Pallab Sarkar @ Dodon.**

... Petitioner.

Mr. Debasish Kar,
Mr. Subhajit Chowdhury.

...for the Petitioner.

Mr. Debashis Roy, Id. P.P.,
Mr. Rudradipta Nandy, Id. A.P.P.,
Mr. Subroto Roy.

...for the State.

1. Petitioner submits he was in custody for six months. On his undertaking that he would refund the money, he was released on interim bail. He failed to do so and thereafter was re-arrested and taken into custody on 14.12.2023. He contends the condition that he must refund the money is an illegal one and his bail ought not to have been cancelled. Accordingly, he prays for bail.

2. Learned Advocate for the State opposes the bail prayer. He contends bail was cancelled for other reasons too. Petitioner has criminal antecedents and had induced a number of persons on the false promise of giving employment. Offences under Prevention of Corruption Act have been added and date is fixed for consideration of charge.

3. We have considered the materials on record. Petitioner was a police personnel. He personated himself as a superior officer. He assured the de-facto complainant he would arrange for a bar license and obtained money. Thereafter, he misappropriated the sum. Upon protest he issued cheques which were dishonoured. Subsequently, he was arrested. He assured he would refund the money and was released on interim bail. He failed to do so. In the meantime, other incriminating materials have come on record. They show petitioner had cheated a number of persons on the false promise of giving employment in various organisations. Offences under Prevention of Corruption Act have been added.

4. In view of the profile of the crime and the fact that the petitioner appears to have cheated not only the de-facto complainant but others too, we are not inclined to grant bail to the petitioner.

5. Accordingly, the prayer for bail of petitioner is rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)