

16.01.2024

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Allowed

C.R.M. (DB) No. 122 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Islampur Police Station Case No. 378 of 2023 dated 06.06.2023 under Sections 381/420/406/468/471/34 of the Indian Penal Code.

And

In Re : Prabal Gurung petitioner

Mr. Amit Roy

.....for the petitioner

Mr. S. S. Imam

Mr. R. Jana

.....for the State

Mr. Satadru Lahiri

Mr. Soumyajyoti Nandy

..... for the de facto complainant

1. Learned Counsel for the petitioner submits he is in custody for 250 days. Investigation is complete. Co-accused are on bail. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner is the branch manager of the bank. He is the principal accused. He had misappropriated the gold pledged with the bank. He also falsified accounts and misappropriated monies repaid by the loanees.

3. We have considered the materials on record. Petitioner is in custody for a protracted period of time. Investigation is complete. All necessary documents are in the possession of the investigating agency. Offences, if proved,

would not attract mandatory life imprisonment. Under such circumstances we are inclined to grant bail to the petitioner.

4. Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Special Judge (NDPS), Raiganj, Uttar Dinajpur, subject to condition that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

5. In the event petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

6. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)