

02.02.2024
Sl. No.41
akd
[Rejected]

C. R. M. (DB) 321 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 25.01.2024 in connection with ACB WB Police Station Case No.06 of 2023 dated 22.06.2023 under Sections 409/120B of the Indian Penal Code read with Section 13(1)(a) of the Prevention of Corruption Act, 1988 and subsequently charge sheet submitted under Sections 409/477A/120B of the Indian Penal Code read with Sections 7(c)/13(1)(a) of the Prevention of Corruption (Amendment) Act, 2018.

And

In Re: ***Apurba Barai***

... .. Petitioner

Mr. Sekhar Kumar Basu .. Sr. Advocate
Mr. Subir Ganguly
Mr. Durga Prasad Dutta
Mr. Souvik Sen
Mr. Sumanta Ganguly

... .. for the petitioner

Mr. Debasish Roy .. Id. Public Prosecutor
Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor
Mr. Sujoy Sarkar

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than five months. It is further submitted petitioner was a Nirman Sahayak of the Panchayat. He was not entrusted with the duty to disburse payments in respect of the schemes in question. The responsibility lay with the Block Development Officer (BDO) who is the de-facto complainant in the instant case. Investigation is complete. Accordingly, he prays for bail.
2. Learned Additional Public Prosecutor opposes the prayer for bail and submits petitioner is an Engineer and was involved in making measurements with regard to the schemes. One scheme was related to a banana plantation. Though materials were purchased, no banana plants were requisitioned. However, the petitioner certified the scheme for payment and payments were made. The

other scheme relates to filling up of water body. It is alleged petitioner gave incorrect measurements and had geo-tagged a different spot in order to misappropriate funds. Investigation with regard to complicity of the petitioner in other similar projects is going on.

3. We have considered the materials on record. Petitioner was the Nirman Sahayak of the Panchayat. He was entrusted to make measurements at the site and certify the completion of the project. With regard to the scheme relating to banana plantation, petitioner certified the completion and cleared the bills for payment though no banana plants had been requisitioned for the plantation. It is also relevant to note he had geo-tagged a different site with regard to another scheme relating to filling up of water body. Investigation with regard to his complicity in similar acts of misappropriation in twenty-nine other schemes is in progress. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.
4. The application for bail is thus rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)