

15.03.2024.
21.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 412 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Gangarampur P.S. Case No.346 of 2013 dated 26.06.2013 under Sections 420/409/34 of the Indian Penal Code.

In the matter of : **Sudipta Sen.**

.... Petitioner.

Mr. Jayanta Narayan Chatterjee,
Mr. Indranil Roychowdhury,
Mrs. Moumita Pandit,
Mr. Supreem Naskar,
Ms. Jayshree Patra,
Ms. Ritushree Banerjee,
Ms. Pritha Sinha.

...for the Petitioner.

Mr. Partha Pratim Das,
Ms. Jonaki Saha.

...for the State.

Mr. Arun Kr. Maiti (Mohanty),
Mr. Anirban Mitra.

....for the CBI.

1. Petitioner is in custody for 11 years. Only one witness has been examined in part. There is delay in trial. Accordingly, he prays for bail.

2. Learned Advocate for the State opposes the bail prayer. He submits petitioner is the kingpin of a multi-crore scam in the State. Cases pertaining to the petitioner's company were transferred to CBI.

3. In view of the aforesaid submission, we called upon CBI to submit report whether the present case had also been transferred.

4. Learned Advocate for the CBI places on record a communication that the present case had not been taken over by CBI.

5. We have considered the materials on record. Though the petitioner is involved in one of the largest PONZI scam in the State, present case relates to misappropriation of a sum of Rs.39,000/- only. Petitioner is in custody for more than 11 years and only one witness has been examined in part.

6. Undertrial detention of the petitioner has exceeded the substantive sentence that may be awarded upon conviction.

7. Under such circumstances, we are inclined to grant bail to the petitioner.

8. Accordingly, the petitioner viz., **Sudipta Sen** shall be released on bail upon furnishing a bond of Rs.20,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Balurghat, Dakshin Dinajpur subject to condition that he 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.

9. In the event the 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.

10. This application for bail is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

