

03.04.2024

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Allowed

CRM (DB) No. 903 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Uttarpara Police Station Case No. 287 of 2017 dated 01.04.2017 under Sections 418/420/409/120B/467/468/471 of the Indian Penal Code.

And

In Re : Dilsad Khan @ Ahmed petitioner

Mr. Arindam Jana
Mr. Arnab Sinha
Mr. Dyutiman Banerjee
Mr. Partha Pratim Sinha
Mr. Vishal Mallick

.....for the petitioner

Mr. Rudradipta Nandy, learned APP
Ms. Kanchan Roy

....for the State

1. Learned Counsel for the petitioner submits he is in custody for 334 days. It is also submitted he is no way connected with the affairs of the co-operative society. He has been falsely implicated. Accordingly, he prays for bail.

2. Learned Counsel for the State opposes the bail prayer and submits petitioner is one of the principal players in the conspiracy. They had hacked the e-mail account of the co-operative society and misappropriated a large sum part of which was credited to the account of the petitioner.

3. We have considered the materials on record. There are materials implicating the petitioner in the crime. However, petitioner is in custody for about a year. Offences, even if

proved would not attract mandatory life imprisonment. There is little possibility of trial concluding in the near future. Though bail prayer of co-accused has been rejected in August/September, 2023, there is hardly any progress in the matter since then. 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 Additional Chief Judicial Magistrate, Serampore, Hooghly, on further conditions that while on bail petitioner shall remain within the district of Hooghly until further orders except for the purpose of attending court proceeding and shall report to the Officer in Charge of the Uttarpara Police Station once in a week until further orders. Petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

5. In the event the petitioner fails to appear before the trial court without 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.)

