

05.04.2024
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allowed

CRM (DB) No. 1048 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Narendrapur Police Station Case No. 102 of 2024 dated 27.01.2024 under Sections 448/427/354B/325/308/195A/379/34/120B of the Indian Penal Code and under Sections 3/4 of the PDPP Act.

And

In Re : Alok Naru & Anr. petitioners

Mr. Pawan Kumar Gupta
Mr. Kaushik Chowdhury
Mr. Saha Farid Shaikh
Ms. Sofia Nesar
Mr. Santanu Sett
Mr. Soumoyadipa Kanu

....for the petitioners

Mr. Bitashok Banerjee
Mrs. Manasi Roy

.... for the State

Mr. Suman Dey

..... for the de facto complainant

1. Learned Counsel for the petitioners submits they have been falsely implicated in the instant case. There is a dispute between the headmaster and teachers of the school over the management of the school. They pray for bail.

2. Learned Counsel for the State opposes the bail prayer.

3. Learned Counsel for the de facto complainant also opposes the bail prayer and submits petitioners are erstwhile members of the Managing Committee of the school. They brutally assaulted the teachers.

4. We have considered the materials on record. Dispute arose over alleged mismanagement of funds by the headmaster. A writ petition being WPA 28983 of 2023 was instituted by the teachers of the school and various orders were passed. An audit team has also been appointed to verify the accounts of the school. Petitioners are the members of erstwhile Managing Committee which has since been dissolved. If the allegations are true, their conduct is condemnable. However, injuries on the victims are not serious. Petitioners have already been in custody for 64 days. Under such circumstances, we are inclined to grant bail to the petitioners.

5. Accordingly, we direct that the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two registered sureties of like amount each, to the satisfaction of the learned Additional Chief Judicial Magistrate, Baruipur, South 24-Parganas, subject to conditions that petitioners 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.

6. In the event the petitioners fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

