

07.05.2024
Item No.10
Ct. No. 29
CHC
Rejected

C.R.M.(A) 1583 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bharatpur** Police Station Case No. **339** of **2023** dated **30.09.2023** under Sections **467/468/471/474/409/34** of the Indian Penal Code, 1860..

And

In the matter of : Sarthak Let & anr.

..... petitioners

Mr. Arindam Jana,
Mr. Manas Kumar Das
....for the petitioners
Mr. Joydeep Roy, Ld. Jr. Govt. Advocate
Ms. Poulami Bose
....for the State

Supplementary affidavit filed in Court be taken on record.

Petitioners seek for anticipatory bail.

Learned advocate appearing for the petitioners submits that, petitioners are willing to secure the amount allegedly defalcated. Police filed charge-sheet and therefore, placing the petitioners in custody is not required.

Moreover, he refers to the contents of the report of the District Magistrate which speaks of disciplinary proceedings to be initiated against the petitioners.

Learned advocate appearing for the State draws the attention of the Court to the materials in the Case Diary. He submits that, pursuant to an order passed by the coordinate Bench in a Public Interest Litigation, the First Information Report was lodged. The District Magistrate submitted report

pursuant to such order of the High Court. All petitioners stand implicated in the incident of defalcation with regard to a tender process.

We find from the records that, the prayer for anticipatory bail of the ex-Pradhan involved in the tender process stood rejected by us on February 6, 2024 passed in CRM(A) 5485 of 2023.

The petitioners before us are the executives who were involved in the tender process. Disciplinary proceedings were directed to be initiated by the District Magistrate undertaking the enquiry in terms of the order of the High Court.

Consequently, considering the gravity of the offence and the involvement of the petitioners therein, we are unable to grant anticipatory bail to the petitioners.

This application for anticipatory bail is, thus, rejected.

CRM(A) 1583 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)