

CRM (DB) 1714 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Pingla Police Station** Case No. **242 of 2019** dated **01.09.2019** under Sections **420/406/409/323/506/34** of the Indian Penal Code.
- A n d -

In the matter of : Shibsankar Das @ Shibu

.... Petitioner.

Mr. Avik Ghatak,
Md. Jawwad,
Mrs. S. Chowdhury,

... For the Petitioner.

Mr. Saibal Bapuli,
Mr. Arijit Ganguly,

... For the State.

Mr. Amit Ranjan Pati,

... for the defacto complainant.

The allegation is that the petitioner, not being an employee of the Punjab and National Bank, assisted the other accused person being the Manager of the Bank to siphon off funds.

The petitioner says that he has been unnecessarily implicated. He is in custody for 300 days. Charge sheet has been filed upon completion of investigation. There is no necessity for detaining him in custody any further.

Learned Additional Public Prosecutor while opposing the prayer for bail points out from the case diary that there is sufficient incriminating material against the petitioner. The petitioner is the direct beneficiary of the fraud. The money was deposited in his account.

Learned Advocate for the defacto complainant does not oppose the prayer for bail, on instructions.

Considering the material on record, gravity of the offence, the possible extent of complicity of the petitioner in the alleged

offence, the fact that the investigation is complete and charge sheet has been filed, we are of the view that further custodial detention of the petitioner is not necessary.

Learned Additional Public Prosecutor says that July 9, 2024, has been fixed as the date for considering the issue of framing of charge. We request the learned Trial Court to ensure that on that date the charge is considered and if charge is framed, the trial is expedited as much as possible.

Accordingly, we direct that the petitioner, **Shibsankar Das @ Shibu**, 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 Sessions Judge, 1st Court, Paschim Medinipur and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. The 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.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.

The application for bail is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(**Apurba Sinha Ray, J.)**

(**Arijit Banerjee, J.)**