

01.08.2024
SL No.11
Court No.29
(gc)
(Allowed)

CRM (A) 2506 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure corresponding to Section 482 of BNSS, 2023 filed in connection with Khanakul Police Station Case No.153 of 2024 dated 04.04.2024 under Sections 420/406/477A/120B of the Indian Penal Code and adding Sections 467/468 of the Indian Penal Code.

And

In the matter of : **Amaresh Maiti & Ors.**

- Petitioners.

Mr. Navanil De,
Mr. Subhrajit Dey,
Ms. Monami Mukherjee

....For the Petitioners.

Mr. Rudradipta Nandy, Ld. A.P.P.,
Mr. Rajesh Jana

... For the State.

1. The learned Counsel for the petitioners submits that they have received some money under the "Laxmi Bhandar" Scheme due to a mistake committed by the concerned Data Entry Operator. The petitioners have kept the money in their account and are willing to refund the said money.
2. The learned Counsel for the State in opposing the prayer for anticipatory bail has submitted that there are beneficiaries of the amount although the said amount was earmarked for females below the poverty line.
3. It appears from the order passed by a Coordinate Bench in Gopal Jana & two others in CRM (DB) No.1712 of 2024 on 28th May, 2024 in connection with bail application of Gopal Jana and two others that the Data Entry Operator concerned had admitted in his statement before the Police that he had entered

wrong data in order to give such benefits to others who were not entitled to the same. There is nothing on record to show that on the basis of any application being made by the petitioners, such benefit was extended to the petitioners.

4. On the basis of the submission of Mr. Navanil De that the petitioners shall refund the entire amount received by each of the petitioners, namely, Rs.23,000/- by Amaresh Maiti, Rs.15,000/- by Mohim Das and Rs.10,000/- by Atanu Das within one week from date to the Block Development Officer, Khanakul, Hooghly and shall produce all banks statements and cooperate with the investigation, we are of the view that the custodial interrogation of the petitioners is not required.
5. We also record the undertaking of each of the petitioners that they shall refund the entire amount within the aforesaid period.
6. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Amaresh Maiti, Atanu Das** and **Mohim Das**, shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the BNSS, 2023. It is further directed that the petitioners shall meet the I.O. once in a week till the submission of the final report.
7. It is further directed that the petitioners shall appear before the learned Additional Chief Judicial Magistrate, Arambagh at

Hooghly in connection with G.R. Case No.584 of 2024 within two weeks from date.

8. Accordingly, the application for anticipatory bail is disposed of.

9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)