

30.08.2024

Court No.29

Item No. 14

Rejected

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CRM (A) 2957 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Palashipara Police Station Case No. 389 of 2024 dated 05.08.2024 corresponding to SL No. 1640 of 2024 under Sections 316(5) of the Bharatiya Nyaya Sanhita 2023.

And

In Re: **Nurul Hudah Mondal**

Petitioner

Mr. Milon Mukherjee, Sr. Adv

Mr. Debasis Kar

Mr. Arka Tilak Bhadra

For the Petitioner

Ms. Faria Hossain

Ms. Baishakhi Chatterjee

For the State

1. Mr. Milon Mukherjee, learned counsel appearing for the petitioner, submits that the petitioner is the headmaster of a school and some of the teachers had a previous grudge against the headmaster, as he was trying to enforce the discipline of the school, have instigated in filing a false complaint of criminal breach of trust against the petitioner. It is submitted that on 1st August, 2024 a show-cause notice was issued by the de-facto complainant to which the petitioner has replied. It is further submitted that custodial interrogation of the petitioner is not required.
2. Learned counsel for the State in opposing the prayer for anticipatory bail has referred to the seizure list, the statement of few witnesses and the statement of the truck driver recorded under Section 164 Cr.P.C and submits that the said statements directly implicating the petitioner.
3. Considering the materials available in the case diary, the nature and extent of complicity of the petitioner in the commission of the alleged offence and having regard to the fact that the beneficiary of the mid-day meal

appears to have been deprived of food grain, which was exclusively meant for them and for their welfare and benefit and having regard to the statement of the independent witnesses and the truck driver recorded under Section 164 Cr.P.C directly implicating the petitioner for the alleged offence, we are not inclined to grant anticipatory bail to the petitioner.

4. Accordingly, the prayer for anticipatory bail of the petitioner is rejected and the same is accordingly disposed of.
5. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Uday Kumar , J)