

11.11.2024
Sl. No.6
akd
[ALLOWED]

C. R. M. (A) 3443 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 11.09.2024 in connection with Jiaganj Police Station Case No.36 of 2024 dated 23.02.2024 under Sections 406/420/409/120B/34 of the Indian Penal Code. (G.R. Case No.652 of 2024)

And

In Re: **Asis Kumar Sen**

... .. Petitioner

Mr. Bikash Ranjan Bhattacharyya .. Sr. Advocate
Mr. Kallol Kumar Basu
Mr. Anindya Sundar Das
Mr. Debapriya Samanta
Mr. Samrat Ghosh
Md. Jannat-ul-Firdous

... .. for the petitioner

Mr. Amitava Chaudhuri
Mr. N. Roy

... .. for the de-facto complainant

Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor
Ms. Sanjana Saha

... .. for the State

1. Petitioner is a former professor of Sripat Singh College. It is submitted allegations of defalcation are levelled against the former principal viz. Dr. Shamsuzzaman Ahmed and not the petitioner. Accordingly, he prays for anticipatory bail.
2. Learned Additional Public Prosecutor as well as learned Advocate for the de-facto complainant (present principal of the college) opposes the prayer for anticipatory bail. They contend petitioner was hand in glove with the former principal and assisted him in defalcating over Rs.90 lakhs which was released by University Grants Commission (UGC) for various projects.
3. We have considered the materials on record including the FIR. Crux of the allegation in the FIR is levelled against the former principal

viz. Dr. Shamsuzzaman Ahmed. It is alleged Dr. Ahmed mismanaged the affairs of the college, did not maintain any records and the UGC grants for various projects have not been duly accounted. With regard to the petitioner, a former professor and Teacher-in-charge of the college after retirement of Dr. Ahmed, the sole allegation is he did not lodge complaint with regard to the misdeeds of Dr. Ahmed.

4. In spite of repeated queries learned Additional Public Prosecutor is unable to explain why no steps were taken for interrogation of the principal accused viz. Dr. Shamsuzzaman Ahmed. Though the allegations involve mismanagement in relation to public grants, involvement of the petitioner is marginal. He was not the principal of the college at the time when the grants were received or alleged to be misappropriated. In such view of the matter, we are of the opinion custodial interrogation of the accused/petitioner is not necessary and he may be granted anticipatory bail.

5. Accordingly, we direct in the event of arrest, the accused/petitioner, namely **Asis Kumar Sen**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and on further condition that the petitioner shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

6. The application for anticipatory bail is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

