

06.11.2024
Sl. No.93
SG
[ALLOWED]

C. R. M. (DB) 3330 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.09.2024 in connection with Beliabera Police Station Case No. 41 of 2015 dated 28.07.2024 under Sections 406/420/409/467/120B of the Indian Penal Code, 1860.

And

In Re: ***Nikhil Maity and Anr.***

... .. Petitioners

Mr. Antarikhya Basu,
Mr. Sanjib Kumar Dan.

... .. for the petitioners

Ms. Rituparna De Ghose,
Mrs. Rituparna Saha

... .. for the State

1. Petitioners are in custody for 122 days. It is contended they are *bona fide* loanees and had pledged gold. Appraiser Radhyashyam Paira had dishonestly converted the gold causing wrongful loss to the bank. Radhyashyam Paira has been granted regular bail. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He contends petitioner and others had entered into conspiracy with the appraiser Radhyashyam Paira and other employees of the co-operative bank and obtained fraudulent loans. Loss of the bank ran to crores of rupees.
3. We have considered the materials on record. Petitioners claim to be *bona fide* loanees. They submit they had pledged gold but the appraiser and bank officials misappropriated the gold. Investigation is complete. Radhyashyam Paira and other bank officials are on regular bail/anticipatory bail. Extent of

complicity of the petitioners in the conspiracy requires to be assessed during trial. There is no chance of abscondence.

4. Under such circumstances, we are inclined to grant bail to the petitioners.
5. Therefore, the accused/petitioners, namely **Nikhil Maity** and **Goutam Maity** be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Sessions Judge, Special Court, 1st Court, Jhargram subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.
6. In the event they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.
7. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)