

04.01.2024
Item No.58
Ct. No. 29
CHC
Rejected

C.R.M.(A) 4466 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Arsha** Police Station Case No. **46** of **2023** dated **12.04.2023** under Sections **420/409** of the Indian Penal Code, 1860.

And

In the matter of : Gour Chandra Dey @ Gour Chandra De
..... petitioner

Mr. Abhra Mukherjee,
Mr. Sauradeep Dutta,
Mr. Swaksher Kr. Mondal
....for the petitioner

Mr. Swapan Banerjee,
Ms. Purnima Ghosh
....for the State

Petition is taken up for consideration subsequent to the order dated October 16, 2023 passed by the co-ordinate Bench.

By such order, the coordinate Bench granted interim anticipatory bail to the petitioner.

It is submitted at the bar that, such order was passed without consulting the materials in the Case Diary and in view of the ensuing Puja Vacation.

Learned advocate appearing for the petitioner submits that, petitioner is Teacher-in-Charge of a school provided a sum in excess of Rs.2,87,000/- for the purpose of various accounts in respect of the school. Writ Petition was filed in respect of money paid to the school. Petitioner is being falsely implicated.

Learned advocate appearing for the State draws the attention of the Court to the materials in the Case Diary.

It appears from the materials in the Case Diary that, the petitioner was Teacher-in-Charge of a school for a particular period of time. During such period of time a sum in excess of Rs.3,26,000/- was withdrawn on account of mid day meal. No mid day meal was prepared on Mondays and Fridays during the period when the petitioner was the Teacher-in-Charge.

Interest of school children are involved.

Enlarging the petitioner in such circumstances on anticipatory bail will be inimical to the investigation.

In such circumstances, we are unable to extend the interim order dated October 16, 2023 or grant anticipatory bail to the petitioner.

This application for anticipatory bail is, thus, rejected.

CRM(A) 4466 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)