

04.01.2024

Sl.98
Court No.29
(AD)
(Rejected)

C.R.M. (A) 4532 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Ranitola** Police Station Case No.**249 of 2023** dated **13.07.2023** under Sections **420/409** of the Indian Penal Code, 1860, G.R. Case No.2268 of 2023.

And

In the matter of: **Md. Nuhiruddin**

....petitioner.

Mr. Firdaus Samim
Ms. Gopa Biswas
Ms. Payel Shome Ms. Samp;riti Saha
Ms. Purba Mukherjee
Ms. Mohana Das

... for the petitioner.

Mr. Rudradipta Nandy, Ld. APP
Ms. Sonali Das

...for the State.

The application for anticipatory bail is taken up for consideration subsequent to the order dated October 16, 2023 passed by the Coordinate Bench.

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

It is submitted at the bar that such order was passed without considering the materials in the case diary and in view of the ensuing puja vacation.

We perused the materials in the case diary.

Learned Advocate appearing for the petitioner submits that the petitioner is a retired school teacher. Petitioner was given a No Liability Certificate. Petitioner was not being paid his pensionary benefits. Petitioner approached the Writ Court twice. In the last writ petition, an order dated February 20, 2023 was passed directing disbursement of the pensionary benefits. He submits that the petitioner is being falsely implicated.

Learned Advocate appearing for the State draws the

attention of the Court to the materials in the case diary. He submits that, subsequent to the retirement of the petitioner, discovery of defalcation of a sum in excess of Rs.36 lacs was made and, therefore, the police complaint was lodged. He submits that, there are no documents with the school authorities showing the utilization of the fund of Rs.36 lacs and odd which was withdrawn by the petitioner during his tenure as the Teacher-in-Charge.

Apparently, a sum in excess of Rs.36 lacs was withdrawn from the several bank accounts belonging to the school by the petitioner as the Teacher-in-Charge. Petitioner is unable to produce any documents on the plea that he retired from the services, showing the utilization of such funds. He is unable to indentify any accretion of assets to the school by reason of such sum spent.

The quantum of money involved being substantial and interest of the students of the school being involved, we do not find it appropriate to grant anticipatory bail to the petitioner. Thus, we are unable to confirm the interim order dated October 16, 2023.

Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

C.R.M. (A) 4532 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)