

05.01.2024
Sl.25
Court No.29
(AD)
(Allowed)

C.R.M. (A) 4591 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Amherst Street** Police Station Case No. **192** dated **27.07.2015** under Sections **120B/409/477A/420/379** of the Indian Penal Code, 1860 (corresponding to G.R. Case No.908 of 2015).

And

In the matter of: **Madhusudan Nandi**

....petitioner.

Mr. Saryati Datta

Mr. Sanjib Kumar Dan

Mr. Chitrak Biswas

...for the petitioner.

Mr. Joydeep Roy

Mr. Amanul Islam

...for the State.

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

By such order, the petitioner was enlarged on interim anticipatory bail by the Coordinate Bench.

It is submitted at the bar that such prayer for interim anticipatory bail was granted without considering the materials in the case diary and just prior to the ensuing puja vacation.

We perused the materials in the case diary.

Learned Advocate appearing for the State submits that a sum of Rs.51 lacs stood defalcated by the petitioner while the petitioner acted as a Principal of a school.

Petitioner superannuated long time ago. The alleged defalcation is of the period of 2014.

Police filed charge sheet.

At this stage, we do not find need for custody of the petitioner.

In such circumstances, we confirm the interim order dated October 16, 2023.

Accordingly, we direct that in the event of arrest, the petitioner shall 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 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default, the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

The prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 4591 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)