

24.01.2024
383
Ct. No. 29
S.D.
REJECTED

C.R.M.(A) 5090 of 2023

In Re:- In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **A.C.B. WB** Police Station Case No. **06 of 2023** dated **22.06.2023** under Sections **409/120B** of the Indian Penal Code read with Section **13(1)(a)** of the Prevention of Corruption Act.

And

In Re : Rintu Kumar Saha alias Rintu Kr. Saha
..... petitioner

Mr. Durga Prasad Dutta,
Mr. Subir Ganguly,
Mr. Sumanta Ganguly
....for the petitioner

Mr. Debashis Roy, P.P.,
Mr. Rudradipta Nandy
...for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the police files charge-sheet. Police did not name the petitioner in such charge-sheet. Petitioner, however, received a notice under Section 160 of the Cr.P.C. from the Assistant Commissioner of Police.

Learned advocate appearing for the petitioner relies upon an order dated January 2, 2024 passed in CRM 4239 of 2023 in respect of two other co-accused.

Learned advocate appearing for the State submits that, in aggregate 48 schemes involved which are being investigated. Out of 48 schemes, in respect of two, charge-sheet was submitted. Out of 46 remaining, petitioner is involved in at least 29 of them. He points out in some of the schemes, although

date of announcement of the work is specified as on a particular date, the procurement is shown to be one year thereafter.

The engineer superintending the project was also arrested.

The application for anticipatory bail of two co-accused were disposed of on January 2, 2024 in CRM 4239 of 2023 and CRM 4241 of 2023 after recording that, in the charge-sheet submitted in respect of two schemes, such co-accused were not named as an accused.

So far present petitioner is concerned investigation is on going.

Complicity of the petitioner in the incident investigated appears from the materials in the case diary. Public fund is involved. Enlarging the petitioner on anticipatory bail will be inimical.

In such circumstances, we are unable to grant anticipatory bail to the petitioner and the prayer of anticipatory bail is rejected.

The application being CRM (A) 5090 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)