

16.08.2024.

Item No. 27

Court No.1

ap

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE*

C.R.M. (A) No. 556 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 filed on 19.07.2024 in connection with Maynaguri Police Station Case No. 245 of 2024 dated 11.06.2024 under Sections 406/409/420 of the Indian Penal Code.

And

In the matter of: **Sri Debojyoti Roy.** ..Petitioner

Mr. Sourav Ganguly,
Mr. Shubhankar Dutta,
Ms. Rishita Chakraborty. ...For the petitioner

Mr. Nilay Chakraborty, ld. APP,
Ms. Namrata Das.For the State

1. The application for anticipatory bail is canvassed on the ground that Sections 406, 409 and 420 of the Indian Penal Code have been included in the FIR.

2. The substance of the allegations in this petition is that he has closed a dormant postal deposit account and transferred the same to another account. The beneficiaries have been subsequently refunded the money and have received the same. Departmental proceedings are continuing against the petitioner. Investigation is still on and charge-sheet is yet to be filed.

3. The petitioner cannot be charged in both Sections 406 and 409 of the Indian Penal Code since admittedly he is a public servant. Even otherwise the charge under Section

409 of the Indian Penal Code excludes an offence under Section 420 of the Indian Penal Code.

4. Apart from the above, even assuming one of the two aforesaid Sections are established, the same negate application of Section 420 of the Indian Penal Code.

5. In view of the above, the petitioner shall be entitled to anticipatory bail.

6. It is directed that in the event of arrest, the petitioner shall be released on bail to the satisfaction of the arresting officer upon furnishing a Bond of Rs.20,000/-, with two sureties of Rs.10,000/- each, one of whom must be local subject to the conditions that the petitioner shall meet the Investigating Officer of the case as and when summoned and shall not leave the territorial jurisdiction of Maynaguri Police Station without the prior permission of the Investigating Officer of the case except for attending the Court proceedings.

7. This order is subject to the conditions laid down in sub-section (2) of Section 438 of the Code of Criminal Procedure corresponding to Section 482(2) of the BNSS, 2023.

8. The Case Diary be returned.

9. C.R.M. (A) No. 556 of 2024 is, thus, disposed of.

10. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Ajay Kumar Gupta, J.)

(Rajasekhar Mantha, J.)

