

04.03.2025
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Allowed

C.R.M. (A) No. 755 of 2025

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Amdanga Police Station Case No. 858 of 2024 dated 24.12.2024 under Sections 316(2)/316(5)/318(4)/3(5) of the BNS.

And

In Re : Md. Mostak Ahammed Mondal @ Ahmmed Mondal @
Mostak Ahammed Mondal petitioner

Mr. Partha Pratim Das
Mr. Monojit Chakraborti

.....for the petitioner

Mrs. Subhashree Patel
Mr. Sachit Talukdar

....for the State

1. Learned Counsel for the petitioner submits he was the Secretary of the Managing Committee of the Madrasah concerned. It is also submitted allegations in the FIR would not constitute ingredients of the offences of cheating or criminal breach of trust. Co-accused, a member of the Managing Committee has been granted anticipatory bail. He also prays for similar relief.

2. Learned Counsel for the State opposes the prayer for anticipatory bail and submits the Madrasah Committee had constructed six class rooms using Government money. Said class rooms had been let out to a private institution without permission of the concerned authority.

3. We have considered the materials on record which show petitioner and other members of the Madrasah Committee had constructed six class rooms with Government money. Class rooms had been let out to a private institution without necessary permission. The school building including the rooms stand in the name of the Madrasah. Nothing is placed on record to show that the money had been otherwise diverted or misappropriated. Whether grant of lease to a third party without permission would constitute offences under the Penal Code requires to be assessed at the appropriate stage of the proceeding. Custodial interrogation for progress of investigation is not necessary. Accordingly, we are inclined to grant anticipatory bail to the petitioner.

4. Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, 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 482(2) of the Bharatiya Nagarik Suraksha Sanhita and on condition that he shall appear before the jurisdictional court and pray for regular bail within a period of four weeks from date.

5. The application for anticipatory bail is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)