

05/05/2025

M/L 14
Ct. No.28
S.Kundu
Allowed

C.R.M.(A) 1199 of 2025

In Re:- An application for anticipatory bail under section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023/under Section 438 of the Code of Criminal Procedure. In connection with Farakka P.S. Case no. 356/2023 dated 13.9.2023 under Sections 464/409/34 IPC.

In the matter of: Sri Monoj Kumar Das @ Manoj Kr. Das
& Ors.

... Petitioners

Mr. Bikash Ranjan Bhattacharyya
Mr. Usof Ali Dewan
Mr. Asif Dewan

...for the petitioners.

Mr. Joydeep Biswas
Mr. Arup Sarkar

...for the State.

1. Learned senior counsel appearing on behalf of the petitioners submits as follows. The present petitioners are workers of the Panchayat in question. They were not specifically named in the FIR. The prime allegations were against the lady Pradhan of the Gram Panchayat. She was granted anticipatory bail by the Hon'ble Apex Court.
2. Learned counsel appearing for the State opposes the prayer for anticipatory bail. He submits that by misusing their respective posts the Pradhan and the present petitioners defalcated huge sums of money. Sums were paid to individuals, although the work that was to be done was not completed. The order of the District Magistrate and Collector, Murshidabad shows that it was alleged that the petitioners and others had done gross

negligence of their duty and, therefore, acted illegally under Section 464, 409 read with Section 34 of the IPC. The Hon'ble Apex Court had granted anticipatory bail to the prime culprit mainly she was in the family way.

3. It appears that in the order dated 1.3.2024 passed by the Hon'ble Apex Court, it was submitted on behalf of the petitioners that the principal accused was eight months pregnant. An order was passed directing that no coercive measures would be taken against the petitioner provided that the petitioner extended all cooperation in the investigation. The final order dated 9.7.2024 only recorded that the interim protection was made absolute and the petitioner was directed to extend all cooperation during investigation and as well as the trial.
4. In view of the nature of allegations, the facts that bulk of the relevant documents has been seized, the principal accused was granted relief by the Hon'ble Supreme Court and that charge-sheet has been submitted, I am inclined to grant anticipatory bail to the present petitioners.
5. In the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and also be subject to further conditions that the petitioners shall cooperate with the investigation and the petitioners shall not threaten or intimidate witnesses. The petitioners

shall appear before the learned Trial Court on the dates fixed.

6. Accordingly, the application for anticipatory bail is allowed.

(Jay Sengupta, J.)