

09/09/2025

D/L 59

Ct. No.28

S.Kundu

Allowed

C.R.M.(A) 2640 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 Keshpur police station case no. 210/25 dated 9.5.2025 under Sections 318(4)/316(2)/5/340(2)/336(3)/222 of the BNS.

In the matter of: **Debaprasad Midya**

... Petitioner

Mr. Abhra Mukherjee
Mr. Anit Das
Mr. Anubrata Santra
Mr. Swakshar Kr. Mondal
Ms. Sabita Khutia

...for the petitioner.

Mr. Ranadeb Sengupta
Mr. Asif Dewan

...for the State.

1. Report filed on behalf of the State is taken on record.
2. Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner was appointed as an Assistant Teacher in 1989. In 1996, he was made the Head Master of the school. Pursuant to change in the political scenario in 2011, the petitioner was suspended and thereafter, terminated from service. This Court set aside the order and a contempt application had to be filed. Only thereafter, the petitioner was allowed to join in 2015. The other side became even more hostile. From the first part of the 2024, the petitioner was not allowed to enter the premises of the school and this FIR was lodged by the Chairman of the Managing Committee who

was the prime adversary. It was alleged that the petitioner had forged signature and encashed cheques to the tune of Rs.6 Lakhs. These sums were actually used for defraying regular expenses of the school. During examination by the Investigating Officer, the petitioner has handed over the relevant vouchers and other documents in this regard.

3. Learned counsel appearing for the State opposes the prayer for anticipatory bail. He submits that the money in question was defalcated and thereafter, disbursed into different accounts. Investigation is going on. There are statements available in the case diary incriminating the present petitioner.
4. Considering the materials available in the case diary, the fact that there is a prior animus between the petitioner and the Managing Committee and the fact that the petitioner has cooperated with the investigation by meeting the Investigating Officer during the pendency of the application, I do not think that custodial interrogation of the petitioner is required in this case and I am inclined to grant anticipatory bail to the petitioner.
5. In the event of arrest, the petitioner 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 petitioner shall cooperate with the investigation and shall not threaten or

intimidate witnesses. The petitioner shall meet the I.O
once a fortnight till submission of report in final form.

6. Accordingly, the application for anticipatory bail is allowed.
7. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)