

26/08/2025

D/L 49

Ct. No.28

S.Kundu

Allowed

C.R.M.(A) 2681 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 Burdwan police station case no. 1050 of 2023 dated 17.8.2023 under sections 406/420/467/468/471/34 of the IPC.

In the matter of: Dipak Kumar Pal & Ors.

... Petitioners

Mr. Sandipan Ganguly
Mr. Dipanjan Dutt
Mr. Arka Chandra Roy
Mr. Soumajit Majumder

...for the petitioners.

Ms. Saryati Dutta
Mr. Santanu Talukder

...for the State.

1. Learned senior counsel appearing on behalf of the petitioners submits as follows. The petitioners are the Director, the former Chairman and two employees of the Cooperative Society while the de-facto complainant was the Head Clerk of the said society. On 20.1.2023 an audit query was raised by the Auditor to the said de-facto complainant, who was, as the Head Clerk of the society, having custody of the funds and was in-charge of withdrawal and disbursal of funds. On 12.02.2023 the Board of Directors issued a show-cause to the de-facto complainant for not coming to office and for misconduct. A decision was taken on 26.3.2023 to stop his salary. The Head Clerk thereafter, requested to release his salary

and undertaking was given by him to that effect. On 19.4.2023 another show-cause was given to the de-facto as to why penal action should not be taken against him. A reply was given through his advocate requesting that no harsh steps may be taken against him. On 14.5.2023 a final date was fixed for settling accounts. The informant responded only through a letter on 22.5.2023 where certain admissions were made. On 7.7.2023 a notice was given to the de-facto complainant seeking recovery of Rs.61,95,605/-. On 14.7.2023 the de-facto complainant gave a reply denying the allegations as well as the previous undertakings. The petitioners lodged a GD entry on 19.7.2023 to such effect and sought the registration of an FIR, but the FIR was not registered. The informant had the present FIR registered on 17.8.2023. Soon thereafter, the petitioners' FIR was also registered on 22.9.2023 being Burdwan P.S Case no. 1256 of 2023. No *prima facie* case is made out against the petitioners in the case as would be evident from a plain reading of the FIR. The FIR has been lodged only as the counter action taken by the informant to avoid or delay the consequences of his wrong doing.

2. Learned counsel appearing for the State opposes the prayer for anticipatory bail. He submits that a sum of Rs.1 Crore and odd has been defalcated in this case. There are allegations and the counter allegations. FIR has been lodged by both the sides.

3. It appears that several actions were taken by the petitioners against the de-facto complainant prior to the registration of the present FIR. Money claimed also made although the de-facto complainant subsequently denied the earlier undertaking given.
4. Considering the above and the other materials available in the case diary and the alleged roles ascribed to the petitioners, I do not think that custodial interrogation of the petitioners is required in this case and I am inclined to grant anticipatory bail to the 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 shall not threaten or intimidate witnesses. The petitioners shall meet the I.O as and when required.
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.)