

13-14
18.07.2025
Ct.No.34
b.das

CRM (M) 183 of 2025
with
C.R.M.(DB) 4216 of 2024

In Re : An application for Cancellation of bail under Section 439(2) of the Code of Criminal Procedure.

And

In Re : **State of West Bengal** ... Petitioner.

Mr. Rudradipta Nandy
Mr. Ranadeb Sengupta
Mr. Sachit Talukdar ...for the petitioner/State.

Mr. Phiroj Edulji
Mr. Mrityunjay Chatterjee
Ms. Suchismita Chakraborty ...for the opposite party.

Mr. Sourav Chatterjee
Ms. Shreya Banerjee
...for the petitioner in CRM (M) 183/2025.

Mr. Rudradipta Nandy
Ms. Amita Gour
Mr. Subham Bhakat ... for the State in CRM (M) 183/2025.

Affidavit in reply submitted by the State/petitioner in CRM (DB) 4216 of 2024 (Cancellation of bail) is taken on record.

Heard learned counsels for the parties.

The petitioner/State seeks cancellation of bail granted in favour of the opposite party by the learned Judge, Bench – II, City Sessions Court, Calcutta (trial Court) on 5th September, 2024 in Spl. ACB Case No.06 of 2023.

Learned counsel for the petitioner/State submits that the opposite party was the Pradhan of Baigachi-II Gram

Panchayat under Gazole Development Block, Malda at the relevant time.

Out of 48 schemes in total, 2 schemes related to banana plantation and filling up of earth with bamboo piling. The Pradhan was responsible for completing/implementing the said schemes and clearing the bills for payment.

Learned counsel submits that though no tender was floated for purchase of banana saplings, other allied material was purchased for the same and bills cleared. The Pradhan who was responsible for approval of the work signed on the relevant documents and the entire payment was made though the scheme was not implemented at all. There was also an excess payment involving huge amount of public money.

Bail prayer of one Apurba Barai who was the Nirman Sahayak of the Panchayat at the relevant time was turned down on the same date by this Court when bail prayer of the opposite party was allowed by the learned trial Court.

Learned counsel further submits that the opposite party has misappropriated huge amount of public money in connivance with the other members of the Panchayat which were not taken into consideration by the learned trial Court in granting bail to him. Learned counsel assails the propriety of the order impugned and seeks cancellation of the bail.

Opposing the prayer, learned counsel for the opposite party submits that the Pradhan was only responsible for approving the documents submitted by the Nirman Sahayak

and the entire work is monitored by the Block Development Officer who is responsible for initiation, implementation and completion of the projects.

The opposite party has complied with the bail conditions imposed upon him and undertakes to co operate in investigation of the case.

I have considered the material on record. This Court is informed that the opposite party has complied with the bail conditions imposed upon him and there is no adverse report against him.

The opposite party was the Pradhan of the Panchayat at the relevant time and the primary allegation against him is that he has approved the implementation of the scheme though the scheme was not implemented at all by the Nirman Sahayak. No verification was undertaken by the Pradhan who, in connivance with the other members of the Panchayat, has misappropriated a huge sum of public money in disbursing the amount without implementing the scheme. Banana saplings were not purchased at all though the associated material were purchased and bills drawn for the same. The opposite party appears to have approved the documents placed before him by the Nirman Sahayak without verification of the same. The Nirman Sahayak was primarily responsible for implementation of the scheme and the Pradhan has put his signature in approval of the same by relying upon the documents placed before him by the Nirman Sahayak.

The facts placed before this Court were also placed before the learned trial Court who has considered the same in the order impugned. Charge sheet has been submitted insofar as the two schemes are concerned.

Upon consideration of the material on record vis-à-vis the order impugned, this Court is of the view that grounds for cancellation of the bail granted to the opposite party have not been made out. The co accused whose bail was refused by this Court is not similarly circumstanced with the opposite party since their roles are distinct and different. The entire field work was to be carried out by the co accused/Nirman Sahayak who was primarily responsible for implementation of the scheme. Whether the role of the opposite party can be termed as a deliberate violation on his part shall be assessed at the appropriate stage of the trial in the light of the evidence on record. It does not call for cancellation of his bail at this stage, moreso, since it is not alleged that he has not co operated in investigation.

It is pertinent to mention that the bail prayer of the opposite party was allowed on 5th September, 2024 and the present application has been affirmed on 6th December, 2024, that is, after 3 months of the order.

In view of the above, the application is dismissed.

The opposite party shall comply with the conditions imposed upon him by the learned trial Court in its true letter and spirit and shall not seek modification of the said conditions until further orders.

There shall, however, be no order as to costs.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

CRM (M) 183 of 2025

In Re : An application for bail under Section 483 of the BNSS, 2023.

In Re : **Apurba Barai**the petitioner.

Learned counsel for the petitioner seeks accommodation.

Let the matter appear under the same heading on 25th July, 2025.

(Suvra Ghosh, J.)