

In the Court of Special 1st Court, Birbhum at Suri

Present: Shri Subhrajit Basu (WB01238)
Judge, 1st Special Court,
Suri, Birbhum.

Special Case 01 of 2021
(CNR No. WBBB01-000976-2021)

08
08/07/2021

Today is fixed for hearing of bail application.

Sri Somenath Mukherjee, Ld. Advocate for the accused person is present.

Sri Bibhas Chatterjee, Ld. Special Public Prosecutor is also present.

The matter is taken up for hearing of the bail application.

It is submitted by the Ld. Advocate for the accused-petitioner that charge sheet has already been submitted against this accused after completion of investigation. It is further submitted by him that there is no chance of immediate conclusion of trial in this case as there are many witnesses and documentary materials to be relied upon by the prosecution which will consume considerable time. He further submits that the present accused person is the sole earning member of his family and none else is there to look after his family members. Accordingly, the Ld. Advocate submits that he may be granted bail by this Court.

In this regard, Ld. Advocate for the accused-petitioner mentioned that the Hon'ble Calcutta High Court had earlier passed an order for 'not to arrest' in favour of the accused-petitioner in an application for anticipatory bail under Section 438 Cr.P.C., but later on the said anticipatory bail application was rejected by the Hon'ble High Court.

On the other hand, Ld. Special Public Prosecutor submits that after thorough investigation, charge-sheet has been submitted against this accused person under Sections 403/406/409/417 I.P.C. and 66C/66D I.T. Act. It is further submitted by him that during investigation it has been unearthed that this accused-petitioner had

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misappropriated Rs.1.5 crore approximately of government money and specific documents to substantiate such allegations have been collected by the police and if the accused is released on bail, there is every chance of tampering with the evidence and the accused-petitioner may also abscond. He further submitted that the accused did not co-operate in the investigation. In such circumstances, according to the Ld. Special Public Prosecutor, prayer for bail may be rejected and the matter may be taken up for consideration of framing of charge for which date was earlier fixed.

Heard both sides.

Perused the relevant portion of the C.D. which contains voluminous documents.

Upon perusal of the materials, it is prima-facie found that there are materials to show that this accused had defalcated huge amount of public money in a daring manner and using his special knowledge and posting as the Office Assistant, Birbhum Divisional Office, Suri under Department of Post, India and System Assistant of Birbhum Division.

Considering the gravity of the materials against this accused person and the seriousness of the allegation, the prayer for bail stands rejected.

The matter be fixed on **07.08.2021** for production of accused Safiul Alam and consideration of framing of charge.

C.D. be returned.

The Superintendent, District Correctional Home, Suri, Birbhum is directed to produce the accused Safiul Alam on the date fixed positively.

Let a copy of this order be sent to the Superintendent, District Correctional Home, Suri, Birbhum for information and necessary action.

Dictated & corrected
by me.

Sd/- Subhrajit Basu
Judge, 1st Special Court,
Birbhum at Suri.

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