

Spl No.06 of 2025

Present :- Sri Bibhas Chatterjee,
Additional Sessions Judge,
,1st Court, Burdwan

(J.O. Code (WB00702))

Order No.05

Dated 08.05.2026

The record is put up at the instance of the accused person namely, Bhakto Mondal along with a petition for enlarging him on bail on the ground stated therein. The put up petition is considered and allowed. The bail petition is taken up for hearing.

Heard Ld. Advocate for the accused person, Ld. P.P. in-charge.

I have gone through the materials on record carefully.

Ld. Advocate for the accused person above-named submitted that the accused has been falsely implicated without any specific role or overt act. He has been incarcerated for more than 270 days, the investigation has been completed and the charge-sheet has already been submitted against the 09 accused persons of this case including above-named accused person. He again submitted that when the charge-sheet has been submitted there is a bleak possibility to tamper with the prosecution evidence. It is further submitted that the allegations against all the accused persons for misappropriation of Government money in connivance with other accused persons cannot be the sole ground for detention of the aforesaid accused behind the bar for a prolonged period, when all 09 accused persons have been released on bail. He again tried to convince this Court by submitting that neither in the FIR nor other materials on record, the name of the above-named accused discloses any act attributed by him regarding the alleged offence. It is his last plank of submission that the accused being local inhabitant, there is no likelihood of absconding or to avoid the trial and accordingly, prayed for releasing him on bail by imposing any condition.

Per contra, Ld. Advocate for the prosecution vehemently opposed the bail prayer and submitted that the materials on record prima facie demonstrate that the accused above-named is one of the kingpin/master mind being employee of University of Burdwan and holding the post of 'Group-D' and using his capacity of his post and in connivance with other accused persons cheated a hefty amount to the tune of Rs.1,93,89, 876/- (Rupees one crore ninety three

lakhs eighty nine thousand eight hundred seventy six only) from the Government fund and also by forging signatures of other signatories of that University, preparing some fraudulent documents and thereby encashed a huge money and ultimately misappropriated the said Government money by crediting the same in his own name and the name of his wife. It is also pointed out by Ld. P.P-in-charge that the accused person is absconding for long period of time and subsequently warrant of arrest was issued against him and by executing the same, he was arrested from Bhuj, Kachhchh, Gujrat. Ld. P.P.-in-charge also submitted that the investigatintg agency would also file the supplementary charge-sheet and categorically submitted that if the accused will be released on bail at this stage, the prosecution case will be prejudiced and there is every possibility of his absconding and accordingly, prayed for rejection of the bail prayer.

I have considered rival submissions advanced by the Ld. Advocate for the accused persons and Ld. P.P-in-Charge for State.

I have also perused the entire materials on record.

It is well settled principle that while considering the bail application, the Court is not expected to conduct a roving inquiry into the evidence of witnesses but to see whether a prima- facie case exists. In the present case, the materials on record demonstrate that there is a prima-facie case which indicates that the above-named accused person in connivance with other accused persons siphoned huge Government fund to the tune of Rs.1,93,89, 876/- (Rupees one crore ninety three lakhs eighty nine thousand eight hundred seventy six only) into his personal account and the account of his wife which prima-facie involves fraudulent transfer and diversion of Government fund through forgery method. The allegations against the above-named accused person is a serious form of financial fraud and theft of huge Government money including money laundering and the act of siphoned off funds into their personal account bringing the entire case squarely within the ambit of Section 409/419/420/465/467/468/471/120B/413 of IPC.

Considering the materials on record which shows the entrustment of money its dishonest misappropriation and fraudulent intention, this Court finds that the prosecution has made a strong prima facie case so the ground of parity as submitted by Ld. Advocate for the accused person does not carry any height. This is settled principle of law that hierarchy of participation emerging from the prosecution case requires the Court to examine the act of each accused persons individually and the equality cannot be applied mechanically in the matter of

bail. Materials denotes from the present prosecution case that the above-named accused and the other accused persons who have released earlier by concerned Court are "qualitatively different footing". Thus, the submission of the parity cannot applied in the instant case as prima-facie it appears that the above-named accused is one of the kingpin in respect of the alleged huge misappropriation of Government fund. The alleged offence would fall in the category of economic offence. The Supreme Court repeatedly held that economic offence involving a large scale of cheating and breach of trust on a different footing will affect the financial system of the Government and also erode public confidence.

In light of seriousness of allegation, scale of fraud, nature and gravity of offence anent to the allegation discloses all the organized financial fraud in such scale, this Court finds no case is made out for granting bail to the accused person at this stage. So, prolonged detention of the accused does not operate as a 'Triumph Card' and also be sole criterion to release the accused on bail. Accordingly, the bail prayer stands rejected.

To date i.e. 17.06.2026 for production of the accused person namely Bhakto Mondal , appearance of other accused persons and for passing further order.

Dictated & Corrected by me.

Sd/

Additional Sessions Judge,

1st Court, Bardhaman

Sd/

Additional Sessions Judge,

1st Court, Bardhaman