

Spl. ACB Case No.- 6/2023
Filing No.-628/2023
CNR No.-WBCS01-000628-2023

Order No.-25

Dated: 04/07/2024

The record is put up today on the basis of a put up petition filed by Ld. Defence Counsel on behalf of the accused Apurba Barai.

A bail petition is filed on behalf of this accused.

The copy was served to Ld. Spl PP on 19/06/2024.

Ld. Chief PP Dipankar Kundu is present by filing hazira. He has filed a memo of evidence. Let it be kept with the case record.

Ld. Defence Lawyer is present.

The matter is taken up for hearing.

Heard Ld. Advocate for the defence and Ld. Chief PP.

Ld. Advocate, appearing on behalf of the accused has submitted that earlier one bail petition of this accused was rejected by the Hon'ble High Court, Calcutta in CRM (DB) No-321 of 2024 on 02/02/2024.

It is submitted by Ld. Chief PP also that it is true that bail petition of the accused was rejected by the Hon'ble High Court, Calcutta on 02/02/2024 as it appears from the CD.

It is submitted on behalf of the accused he was arrested on 17/08/2023. The charge sheet has been submitted against another accused Subodh Sarkar and also against this accused u/ss. 409/477A/120B of the IPC and sections 7(c) read with 13(1) (a) of the P.C. Act. It is submitted further that this accused was not entrusted with the duty to disburse the payments in respect of the purported schemes which are shown in the Investigation Report. The entire responsibility of disbursement was on the Block Development Officer. He has been falsely implicated in this case. Therefore, considering the period of detention it is prayed that he may be enlarged on bail on any condition.

Ld. Chief PP vehemently opposes the prayer for bail on the ground that the this accused is not only involved in respect of two schemes but also he is involved in connection with other 29 schemes in respect of which schemes the investigation is almost at the stage of its conclusion. There are sufficient involvements of this accused in respect of other 29 schemes as it appeared in course of investigation. In view of that it is submitted that prayer for bail of this accused is liable to be rejected.

*I have carefully considered the materials on record. I have also examined the CD in respect of other 29 scheme. I find sufficient involvement of this accused in other 29 schemes also for committing the similar type of misappropriation. The charge-sheet is yet to be submitted in respect of other 29 schemes. Therefore, considering the nature and gravity of the offence, I am not inclined to enlarge the accused on bail. The prayer for bail of the accused **Apurba Barai** is **rejected**.*

Let a copy of this order be sent for information and compliance to I.O of this case.

CD be returned to the prosecution as there is no sufficient place to keep the CD in safe custody.

*To date (i.e. **12/08/2024**) for appearance of the accused Souven Roy, I.O's report in Final Form against Souven Roy, production and supply copies.*

To date for production.

D/c by me.

*Judge, Bench-II,
City Sessions Court, Calcutta
JO Code No. WB00656*