

Spl. Case No. 22 of 2023

Order No. 24, dated 16.01.2024.

Accused Sushil Kr. Barman is produced from JC.

Accused Animesh Tewari, Asis Kr. Tewari, Purabi Biswas Dey, Anjana Majumder and Nitya Gopal Majee, on bail, are present by filing hazira.

Bail petition filed in respect of accused Sushil Kr. Barman is moved.

Ld. P.P in-charge and Ld. Advocate for the accused persons, both are present.

SI Goutam Das, member of the SIT, is also present today.

Ld. Counsel, appearing for the petitioner/accused person, namely Sushil Kr. Barman, submits that the petitioner is in JC for a considerable period. He further submits that he has committed no offence whatsoever except disbursement of salary to the teachers as per proposal of the headmaster of the school. It is his further submission that the headmaster of the school, namely Asish Kr. Tewari, was granted bail and that another co-accused, namely Animesh Tewari, whose appointment was found to be false, was also granted bail. The other co-accused persons are also on bail and accordingly the present accused/petitioner should be granted bail being on the same footing.

Xerox copy of letter issued by DI of School, Secondary Education, Murshidabad, bearing No. 333/G, dt. 10.03.23, is filed on behalf of the accused, stating that a general direction was given by the DI to all the AI regarding the copy of approval issued from DI, and such letter was issued during pendency of this case.

Ld. P.P. has strong objection as to the prayer for bail of the present petitioner stating *inter-alia* that he has a vital role played regarding such conspiracy, as having knowledge regarding the conspiracy, he disbursed salary to the said accused Animesh Tewari. It is his further contention that the conspiracy was hatched from the office of DI in connivance with the headmaster of the Gotha AR High School regarding false appointment of his son Animesh Tewari as a teacher for which the present petitioner, being the AI of school, had played vital role by disbursing salary. Thus, he prays for rejection of the bail prayer.

Perused the materials on record and the CD.

Heard both sides.

Considered.

Having heard the submissions of both the sides and on going through the materials on record and the CD, it appears that the instant case was started on 19.01.23 and the investigation is proceeding under the order of the Hon'ble High Court, Calcutta, passed in WPA No. 24451 of 2022. Initially the present petitioner Sushil Kr. Barman, being the AI of Schools (SE), Jangipur, was not named in the FIR but during investigation his name transpired. The crux of the allegation is that accused Animesh Tewari in collusion with his father, being the headmaster, got appointment as Assistant Teacher in Gotha AR High School, Dist. Murshidabad, by using forged documents in collusion with various public servants. It is the case of the prosecution that the present petitioner without any verification from the DI Office, and without consulting relevant documents, disbursed salary of said Animesh Tewari maliciously and in collusion with the said candidate and his father, just basing upon the approval letter of the headmaster. True that, in CRM (DB) No. 4684 of 2023 the Hon'ble High Court, Calcutta, was pleased to grant bail in favour of said Animesh Tewari who was stated to be ready and willing to refund his salary. However, the present petitioner, being a public servant, is alleged to play a vital role, for false appointment of a teacher and abused his official position to secure fraudulent appointment in a public post. The present petitioner wrote a letter to DI of schools, Berhampore, Murshidabad, from which, it is very surprising to note that although the approval of appointment letter of six other teachers in respect of disbursement of salary are available, but the relevant papers of said Animesh Tewari are not available and such letter was written by the present petitioner, as it appears from page no. 740 of the CD. The direction by memo no. 333/G, dt. 10.03.23, communicated to all A.I. by DI during the pendency of the case, does not exonerate the present petitioner being A.I. from verification of all the documents of Animesh Tewari before disbursement of salary.

Considering the *prima facie* involvement of the present petitioner, being a public servant, into the present offence, engineering and being part of the entire scheme of the larger conspiracy, I am not inclined to allow the prayer for bail of the present petitioner/accused person. Thus, the prayer for bail of the accused/petitioner is rejected.

Return CD.

Fix 30.01.2024 for production, appearance and submission of report in final form.

Dictated & corrected
by me,

Judge.
(J.O. Code WB 00687)

Addl. Dist. & Sess. Judge, 2nd Court,
Cum
Judge, Special Court,
Berhampore, Murshidabad.
(J.O. Code WB 00687)