

**Spl. 07/2023 (R-07 of 2023)**

**Present : Smt. Sonalee Nandy Chakrabarti  
J.O. Code WB00584**

**Order No. 02 dt. 19-10-2023**

Accused Khukurani Mallick and accused Rupa Mondal are not produced from J/C.

Received an intimation from Kalyani Subsidiary Correctional Home regarding non-production of the accused persons. Let it be kept with the record.

Received LA from the Ld. P.P. Office, Krishnagar, Nadia regarding appointment of Kutubuddin Biswas as Ld. P.P.-in-charge in this case.

At this stage, one bail petition has been filed on behalf of the accused persons supported by fresh vakalatnama stating that both the accused persons are in J/C since 23-07-23 and charge-sheet has already been submitted. It has further stated that section 409 is not attracted as the accused persons are not the Govt. Employee or the money involved in this case is not the Govt. money.

Copy served.

Heard both sides.

Ld. P.P.-in-charge raises vehement objection and states that Hon'ble Court was pleased to reject the bail application of accused Khukurani Mallick on 27-09-23.

Perused the materials on record and CD.

It has been alleged that the accused persons have misappropriated the fund of Self-Help Scheme and the loan installments were collected from different persons and not deposited in the bank A/C of those persons. As the loan was taken in connection with Self-Help Scheme and the installments were required to be deposited in the bank i.e., Dubra Mahila Bahumukhi Sangha Samabay Samiti Ltd. the money is public money and so section 409 of IPC is very much attracted.

Now it appears that Hon'ble Court had rejected the bail application before submission of charge-sheet and the charge-sheet was submitted of the instant case on 14-10-23. Considering the period of detention of the accused persons in J/C and that charge-sheet has already been submitted, I am of the view that further detention is not required as there is no such necessary of custodial interrogation of the accused persons and it is not a fit case for custodial trial. Hence, the accused persons are granted bail of Rs. 10,000/- each with two sureties of Rs. 5,000/- each and one of them must be local with a condition not to tamper the evidences and influence or threat the witnesses, to the satisfaction of Ld. C.J.M., Krishnagar, Nadia i.d. to J/C.

Fix **01-12-2023** for appearance if on bail.

Let a copy of this order be forwarded to the Ld. C.J.M., Nadia at Krishnagar for information and taking necessary action.

D/c

Judge  
Special Court (U/S 409 of IPC),  
4<sup>th</sup> Court. Krishnagar, Nadia