

03.01.2023
Sl. No.7
akd
[ALLOWED]

C. R. M. (DB) 4508 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 14.12.2022 in connection with Bishnupur Police Station Case No. 123 of 2021 dated 20.08.2021 under Sections 420/406/409/465/467/468/471/120B/34 of the Indian Penal Code read with Sections 8/9/13(1) of the Prevention of Corruption Act and Section 66D of the Information Technology Act, 2000.

And

In Re: ***Ram Sankar Mohanty @ Ram Shankar Mahanty @ Khokan***
... .. Petitioner

Mr. Kishore Datta .. Sr. Advocate
Mr. Sourav Chatterjee
Mr. Aniruddha Bhattacharya
... .. for the petitioner

Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor
Mrs. Sonali Das
... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than 491 days. It is further submitted petitioner was the confidential Assistant of the former Chairman of the municipality who is presently on bail. He is the not the principal accused. Disproportionate assets of the former Chairman kept in the custody of the petitioner have already been recovered. Possibility of the trial concluding in near future is bleak. Hence, he may be released on bail.

Learned Additional Public Prosecutor opposes the prayer for bail and submits petitioner was a conspirator and in collusion with the former Chairman indulged in corrupt practices and amassed enormous wealth. Gold ornaments and large volume of cash and other incriminating documents were recovered from his possession. Trial has commenced and there is possibility that witnesses may be won over.

We have considered the materials on record. Allegations against the petitioner and co-accuseds are grave. It is the prosecution

case that the former Chairman of the municipality had abused his official position and misappropriated public money. Petitioner was the confidential Assistant of the former Chairman. The said former Chairman is on bail. Unaccounted cash and valuables including documents which were kept in the custody of the petitioner on behalf of the former Chairman have already been recovered. Though examination of witnesses have commenced, prosecution proposes to examine 37 witnesses. Number of witnesses proposed to be examined and the complexity of the case do not indicate an early conclusion. Principal accused i.e. the former Chairman of the municipality is already on bail. Under such circumstances, apprehension of winning over witnesses upon bail being granted to the petitioner appears to be unfounded.

Under such circumstances, balancing the nature of accusation with the protracted period of detention suffered by the petitioner and as the principal accused i.e. the former Chairman of the municipality is on regular bail, we are inclined to extend the same privilege to the petitioner also.

Therefore, the accused/petitioner, namely ***Ram Sankar Mohanty @ Ram Shankar Mahanty @ Khokan***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Bankura subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)