

Arindam Das Boomba Vs State Of West Bengal & Ors.

Court: Calcutta High Court

Date of Decision: July 9, 2018

Acts Referred: Indian Penal Code, 1860 " Section 120B, 420, 409
Prize Chits and Money Circulation Schemes (Banning) Act, 1978 " Section 4

Hon'ble Judges: JOYMALYA BAGCHI, J; RAVI KRISHAN KAPUR, J

Bench: Division Bench

Advocate: Sabyasachi Banerjee, Anirban Guha Thakurta, Arindam Sen, Sujan Chatterjee, Naina Mitter, Kausik Chandra, Debashis Basu

Final Decision: Allowed

Judgement

The petitioner is seeking bail in connection with a case relating to offences punishable under Sections 120B/420/409 of the Indian Penal Code and

Section 4 of the Prize Chits and Money Circulation Scheme (Banning) Act. It is submitted on behalf of the petitioner that he is in custody for about

1144 days and that the co-accused persons including the principal accused namely, Sudipto Sen have been enlarged on bail.

It is further submitted that the petitioner was a former employee of the company and did not play any role in the decision making process or in the

alleged misappropriation of funds. It is also submitted that no tainted property or illegitimate funds were attached at the hands of the petitioner at the

behest of the Enforcement Directorate. Learned Additional Solicitor General opposes the prayer for bail and submits that the petitioner had absconded

for a protracted period of time and there are evidence on record implicating him as one of the principal conspirators in duping innocent depositors of

large sums of money.

We have considered the rival submissions of the parties. No doubt the instant case relates to activities of a chit fund company where monies running

to crores had been misappropriated by illegally collecting deposits from individuals and misappropriating such funds. However, we note that co-

accused persons including the principal accused namely, Sudipto Sen is on bail in the present case. We also find that the petitioner had suffered

detention for over 1000 days and there is hardly any likelihood of the trial commencing in the near future.

While the gravity of the offence and the evidence collected against an accused are relevant factors, it is also important to note that the offences

charged in the instant case ordinarily would not attract indeterminate sentence like life imprisonment and there is little prospect of the trial concluding

in the near future. In order to strike a balance between the right of liberty to an undertrial on the one hand and the nature and gravity of the offence

involving economic deprivation of numerous victims, we are of the view although the petitioner may be granted bail, however, his movements require

to be adequately restricted so that he may not either evade the process of law or tamper or intimidate witnesses in any manner whatsoever.

Therefore, the accused/petitioner, namely Arindam Das @ Boomba, be released on bail upon furnishing a bond of Rs.50,000/- (Rupees Fifty thousand

only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court, (M.P. & M.L.A.

Cases), Barasat, North 24-Parganas subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further

orders and on further condition that he shall not leave the jurisdiction of the district of South 24-Parganas without the permission of the trial court and

shall report to the H.O.D., EO-IV, Central Bureau of Investigation, Kolkata once in a month 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.