

CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI

15.7.2019

tg

Sl. No. 139

Court No.1

C. R. M. 226 OF 2019

In Re: An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 16.04.2019 in connection with Siliguri P. S. Case No. 849 of 2018 dated 17.12.2018 under sections 420/465/467/468/471/409/120B of the Indian Penal Code.

And

In the matter of : **Surojit Sen** - **Petitioner**

Mr. Sourav Chatterjee
Mr. Hillol Saha Poddar
Mr. A. Ganguly - for the Petitioner

Mr. Kollol Acharya,
Mr. Sourav Ganguly, For the State

The petitioner Surojit Sen is said to have cheated the bank/ complainant furnishing fictitious deeds for opening a cash credit account with cash facility limit upto Rs.80/- lakhs. The Bank on the basis of the document furnished by the petitioner sanctioned Rs.80 lakhs on 29th May, 2017.

The learned Advocate for the petitioner submits that the accused has been falsely implicated in this case. He is not involved in any way with the alleged forgery.

The learned Public Prosecutor while opposing the prayer for bail submits that there is a big racket behind and he is one of the

perpetrators to the said crime. It is also brought to the notice of the court that the Bank manager of the said Bank and the learned empanelled Advocate for the Bank, who verified the documents furnished, are in custody.

It is further submitted by the learned Advocate for the petitioner that in the meantime the petitioner has already deposited Rs.6 lakhs and the petitioner is willing to deposit the rest of the amount, if a sizeable amount is ordered to be deposited, providing interim protection at least for a limited period of time.

Upon consideration of the materials already collected in the CD and also regard being had to the outstanding dues liable to be recovered from the de facto complainant/Bank and also bearing in mind that the petitioner having permanent abode within Jalpaiguri jurisdiction, we are inclined to allow the petitioner on anticipatory bail. Accordingly, in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of Rs. 5,000/- (Rs. Five thousand only) each, to the satisfaction of the Arresting Officer, subject to the condition that the petitioner shall deposit a sum of Rs.70 lakhs with the de facto complainant/Bank within a period of 10 days from the date of this order and further subject to the condition as laid down in Section 438(2) of the Code of Criminal Procedure and also on further condition that he shall ensure his appearance before the Court below for obtaining regular bail within fortnight from the date of this order.

The Application being CRM 226 of 2019 is, thus, disposed of.

Certified website copies of this order, if applied for, be immediately made available to the parties, subject to compliance with all requisite formalities.

(Soumen Sen, J.)

(Subhasis Dasgupta, J.)