

04.01.2022

Court No.13

Sl.25

pk

**W.P.A. No. 3101 of 2020**

Shri Milan Sarkar  
Versus  
Bank of Baroda & Ors.

**(Through Video Conference)**

Mr. Samarendra Datta,  
Mr. Arun Naskar,  
Ms. Sandhya Das Adhikary,  
Mr. Girish Chandra Gupta  
...for the petitioner.

Mr. Dipanjan Datta,  
Mr. Sayan Datta  
...for the respondent nos. 1 to 3/Bank.

Sk. Md. Galib,  
Ms. Subhra Nag  
... for the State.

The writ petitioner is aggrieved by the fact that the Bank of Baroda has prevented him from operating his savings bank account at Chakdah Branch.

Counsel for the Bank submits that the account has been debit frozen at the instance of the Detective Department, Bank Fraud Section, Kolkata Police Head Quarters.

Counsel for the State throws much more light in the matter.

The Officer-in-Charge, Bank Fraud Section of the Detective Department, Kolkata Police at Lalbazar received a complaint on 12<sup>th</sup> July, 2019 from one Tarushi Logistics, employer of the writ petitioner.

An FIR was registered which resulted in a charge sheet under Sections 420/467/468/471 of the India Penal Code.

The writ petitioner is accused of defrauding the employer, Tarushi Logistics as also the ICICI Bank misappropriating substantial sums of money. The account of the petitioner with the bank of Baroda is stated to have been credited with substantial portions of the amount fraudulently obtained by the petitioner.

It is clearly evident from the charge sheet that the petitioner is absconding and hence could not be arrested or taken into custody.

In view of the above, this Court is of the view that no relief can be granted to the petitioner.

The writ petition is dismissed.

The aforesaid order shall not prevent the writ petitioner from surrendering before the learned ACMM (II), Calcutta.

The instructions of the O. C., Bank Fraud Section, D. D. addressed to the Government Pleader dated 03.01.2022 along with annexures may be taken on record.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

**(Rajasekhar Mantha, J.)**

