

CRM 8632 of 2020
(Via Video Conference)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Bantra P.S. Case No.96 of 2020 dated 12.06.2020 under Sections 420/406 of the Indian Penal Code.

And

In the matter of: **Dayamay Garai**

.... Petitioner

Mr. Rajdeep Majumder
Mr. Pritam Roy

... For the Petitioner

Mr. Swapan Banerjee
Ms. Sima Biswas

... For the State

The petitioner undertakes to affirm and stamp the petition as per the Rules within one week of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

The petitioner claims to be a school teacher in Asansol and says that his name had been falsely used to dupe the complainant, but the petitioner has not received any payment from any account of the complainant.

The State produces the records and says that the money that was paid by the complainant went into the Paytm account which is linked to a Reliance Jio connection standing in the name of the petitioner. A copy of the relevant document apparently bearing the photograph of the petitioner is in the record. The State says that

fraudulent transactions by electronic transfer of money have been engineered by the petitioner.

The petitioner claims that the complaint refers to a phone number which does not belong to the petitioner. The petitioner says that he has received no payment from the complainant.

Prima facie, the documents relied upon by the State cannot be completely disregarded. It appears that the petitioner may have more than one phone connection and the Reliance Jio number may have been used for the purpose of receiving the payment.

Considering the material produced by the State, the petitioner's prayer for anticipatory bail cannot be immediately acceded to, notwithstanding the fact that the petitioner has responded to the notice under Section 41A of the Code.

CRM 8632 of 2020 is disposed of.

(Sanjib Banerjee, J.)

(Arijit Banerjee, J.)