

17.12.2020
Sl. No.134
akd
[Rejected]

C. R. M. 9255 of 2020 [via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Matigara Police Station Case No. 196 of 2020 under Sections 447/420/465/468/471/34 of the Indian Penal Code.

And

In Re: ***Binay Saibo***

... .. Petitioner

Mr. Jayant Singh .. Advocate

... .. for the petitioner

Mr. Nilay Chakraborty .. Advocate

Mr. Abhijit Sarkar .. Advocate

... .. for the State

It is submitted on behalf of the petitioner that he is a bonafide purchaser of value and was unaware of the fact that the Power of Attorney is a forged instrument.

Learned advocate appearing for the State opposes the prayer for anticipatory bail.

We have considered the materials on record. We note that the wife of the petitioner was one of the holders of the forged Power of Attorney. Accordingly, we are of the opinion petitioner is a conspirator and a beneficiary of the fraudulent transaction. Hence, he does not stand on the same footing with the co-accuseds who have been granted pre-arrest bail. Under such circumstances, we are not inclined in granting anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)

