**11.12.2020**
**Sl. No.52**
**akd**
**[Rejected]**

**C. R. M. 9741 of 2020** ***[via video conferencing]***

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Basirhat Police Station Case No. 979 of 2019 dated 22.09.2019 under Sections 406/409 of the Indian Penal Code read with Section 4 of the Prevention of Money Laundering Act, 2002.

And

In Re: ***Prosenjit Dhali***

… … Petitioner

Mr. Prantick Ghosh .. Advocate
… … for the petitioner

Mr. Sudip Ghosh .. Advocate
Mr. Bitasok Banerjee .. Advocate
… … for the State

It is submitted on behalf of the petitioner that the prosecution under Section 4 of the Prevention of Money Laundering Act, 2002 is not maintainable at the behest of the State agency.

Learned advocate appearing for the State opposes the prayer for anticipatory bail and submits that the petitioner's company had indulged in money circulation scheme causing wrongful loss to a number of depositors.

Statements of witnesses show active role of the petitioner in dishonestly procuring deposits under the illegal money circulation scheme. Apart from the offence under the Prevention of Money Laundering Act, 2002, investigation has been conducted under Sections 406/409 IPC. It is undisputed that the investigating agency had jurisdiction to investigate such crime involving misappropriation of deposits invited under illegal money circulation schemes by a chit fund company. Accordingly, in view of the gravity of the offence and the extensive loss suffered by innumerable depositors, 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.)**