

12.03.2021
Court No.28
Item No. 08
Krishnendu
Rejected

CRM 312 of 2021
(Via video Conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure;

And

In Re : **Babu Chandra Ghosh**

Petitioner

Mr. Sabir Ahmed

Mr. Shraman Sarkar

For the Petitioner

Mr. Rudradipta Nandy

For the State

Apprehending arrest in connection with Maniktala P.S. Case No. 119 of 2020 dated June 18, 2020 under sections 120B/420/467/468/471 of the Indian Penal Code, the petitioner has filed the present application.

The learned advocate for the petitioner submits that the petitioner is a victim of circumstances and he himself has been duped by the developer. Additionally, he submits that he is a local business man and having regard to the manner in which he has been victimized, his custodial interrogation may not be warranted.

Mr. Nandy, learned advocate for the State opposes the petitioner's prayer for anticipatory bail and draws the attention of this Court to the documents available in the case diary. The learned advocate emphasises that the sanctioned plan has been changed on different occasions and by using the different sanctioned plans, nationalized banks have been utilized for obtaining loan and by that manner in a well-organized

conspiracy, the petitioner along with the developer have siphoned out money from the bank and thereafter the accounts have been declared to be non-performing assets.

Several opportunities were afforded to the petitioner through his learned advocate but the petitioner was unable to answer the manner in which the documents have been placed before the different banks for obtaining loan.

We have perused the materials in the case diary, the sanctioned plans, which have been utilized and the manner in which the bank has been deprived of its dues. Having regard to the manufactured documents, which were placed before the bank authorities for obtaining the loan, we are of the opinion that custodial detention of the petitioner may be warranted for the purpose of this case. As such, the prayer for anticipatory bail of the petitioner is rejected.

The application for anticipatory bail, being CRM 312 of 2021 is, thus, rejected.

The Investigating Officer of the case is present in Court. His further appearance is dispensed with.

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

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)

