

12.03.2021
Item no.21
Court No.28
Avijit Mitra

C.R.M. 602 of 2021 (through video conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Bhadreswar Police Station 245 of 2020 dated 19.09.2020 under Sections 420/467/471/408 of the Indian Penal Code;

And

In Re : Samir Bose

.... Petitioner

Mr. Somnath Banerjee,

Mr. Pronojit Roy

...for the petitioner

Mr. Swapan Banerjee,

Ms. Purnima Ghosh

...for the State

Mr. Banerjee, learned advocate appearing for the petitioner submits that the investigation was initiated on September, 2020. Thereafter Section 41A of the Code of Criminal Procedure was issued upon him and he has complied with the same. He further submits that the case is based on documents and it was only the other accused who was responsible for making loss to the company and the present petitioner has got no role in the alleged offence. Additionally learned advocate submits that as the petitioner has been cooperating with the investigation, his custodial interrogation may not be warranted in the facts and circumstances of the present case.

Mr. Swapan Banerjee, learned advocate appearing for the State opposes the petitioner's prayer for anticipatory bail and submits that it was the bill which

was raised by the petitioner or his concern which was processed by the other accused and the beneficiary happens to be the present petitioner. He further submits that going by the nature of allegations that there was loss which the complainant suffered to the tune of approximately Rs. 57 lakh.

We have perused the materials on record including the case diary and the documents so far collected. Having regard to the nature of the allegations and the fact that the investigation is still continuing, we are of the opinion that the privilege of anticipatory bail may not be extended to the present petitioner and as such, the prayer for anticipatory bail is rejected.

Accordingly, the application being C.R.M. No.602 of 2021 is dismissed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)