

15.03.2021

Ct No. 28

Item No.5

(PA)

CRM 1203 of 2021

In Re.- An application for Anticipatory Bail under Section 438
of the Code of Criminal Procedure;

And

In Re: Sreejoni Bhattacharyaa

... Petitioner

Mr. Rajdeep Majumdar,
Mr. Daanish Haque,
Mr. Sharequl Haque,
Md. Zohaib Rauf,
Mr. Abdul Zahid

....For the petitioner

Mr. Bivas Chatterjee

.....For the State

The present application for anticipatory bail was initially heard on 03.02.2021 and an interim order was passed on the said date solely on the ground that the petitioner's marriage was fixed on 03.02.2021. This Court on humanitarian grounds protected the petitioner without entering into the merits of the accusation or the materials collected by the investigation agency.

Subsequently, the rival parties were heard on 10.02.2021, 22.02.2021, 03.03.2021 and 10.03.2021.

Mr. Majumdar, Learned Advocate appearing for the petitioner submits that the petitioner is innocent of the charges levelled against her and she has been implicated in the instant case by dint of being office bearer in two of the companies. He submits that the companies with which the petitioner is

associated provide job interview alerts to prospective candidates and the same is being done by them in a transparent manner which would be evident from the policy and business papers of the company. It is his further contention that the company has processed 200 number of candidates and has successfully placed candidates with several reputed business houses (A list of which is referred to in the application). It is emphasised by the petitioner that the company namely Zabava operates with the purpose for arranging and facilitating interview of job seekers with recruiters, for the said purpose a fee is charged for introduction and networking. The other services offered by the said company include CV Modification, soft skill development, development of interview skills, training and career consultation. Lastly, the petitioner contended that the company never guaranteed or assured employment/placement and as such the foundation of the case being questionable, she is entitled to the benefit of anticipatory bail.

Mr. Chatterjee, Learned Advocate appearing for the State opposes the prayer for anticipatory bail and draws the attention of the court to the statement of the witnesses recorded by the Investigating Officer, documents seized in course of investigation and the bank statements referring the amount collected from the different individuals. Learned Advocate submits that the case which was initiated on the grievance of the complainant for a sum of Rs. 14,750/- with progress of the investigation has been unable to unearth crores of money being collected on the promise to provide job in leading companies in India and abroad to

different job aspirants. The Statement of the witnesses reveal the nature of commitment made to them which is contrary to the submissions made before this Court by the petitioner that the role of the company related to career consultation, development of interview skills and training. Additionally, the Learned Advocate submits that the companies with which the petitioner was associated created profile which are questionable, again in two of the bank account of the companies, petitioner is not only director but also signatory to the cheques and petitioner has also withdrawn money from the said accounts. Lastly, he submits that the petitioner having refused to cooperate with the investigation under the garb of shifting the onus to other persons, her custodial interrogation is necessary for the agency to arrive at a proper conclusion.

We have perused the materials on record which includes the statement of the witnesses, the documents collected by the investigation agency and also assessed the role of the petitioner in respect of the companies where she was associated as director. Evidence so far collected reveals that the petitioner was associated with the company and was in the knowledge of the manner in which the company carried on its day to day activities. The policy and nature of the business is in question along with the grievance of the individuals who were misrepresented for parting with their money.

As such the gravity of the offence, the incriminating materials appearing against the petitioner and her alleged complicity do not satisfy the conscience of this court to extend the

relief sought for under Section 438 of the Code of Criminal Procedure. Accordingly, the prayer for anticipatory bail is rejected.

CRM 1203 of 2021 is dismissed.

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.)