

18.08.2021
Item no. 26
Court No.32.
S.De
(allowed)

(Via Video Conference)

CRM No. 1605 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 08.02.2021 in connection with Serampore Police Station Case No. 414 of 2019 dated 19.09.2019 under Sections 420/468/471/120B/406/409 of the Indian Penal Code.

And

In the matter of : Pulak Poria.

.....Petitioner.

Mr. Ankit Agarwala, Advocate,
Ms. Alotriya Mukherjee, Advocate,
Mr. Vineet Ojha, Advocate,

.....for the Petitioner.

Mr. N. Ahmed, Ld. A.P.P.,
Mr. Anwar Hossain, Advocate,
Mr. N.P. Agarwala, Advocate,
Ms. Sreyasree Biswas, Advocate,

.....for the State.

The allegation is that the petitioner along with other persons obtained gold loans from the bank concerned upon depositing fake gold. The manager of the concerned bank has been granted anticipatory bail by a co-ordinate Bench of this Court. The gold assayer who is alleged to be a co-conspirator in the alleged scam, was arrested and enlarged on bail by the

learned Court below. The petitioner says that the amount of loan that he took was about rupees two lakhs.

We have seen the material in the case diary including statements of witnesses recorded under Section 161 of the Criminal Procedure Code. Charge sheet has been submitted upon conclusion of investigation. The petitioner says that he is fully prepared to co-operate with further investigation, if any.

On an overall assessment of the facts and circumstances of the case and the extent of possible complicity of the petitioner in the alleged offence, we are of the view that immediate custodial interrogation of the petitioner is not warranted so long as he co-operates with further investigation, if any.

Accordingly, in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 1605 of 2021 is, thus, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)