

CRM 2965 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Beniapukur Police Station** Case No. **259 of 2020** dated **01.07.2020** under Sections **408/420/477A/120B** of the Indian Penal Code.

- A n d -

In the matter of : Khondakar Nuruddin

.... Petitioner.

Mr. I. Rahman,
Mr. P. K. Banerjee,
Mr. S. Paul,
Mr. K. Yadav,

... For the Petitioner.

Mr. R. Nandy,

... For the State.

Mr. A. Basu,
Mr. S. Lahiri,
Mr. S. Azam,

... for the defacto complainant.

The petitioner was an employee in the showroom of the complainant. The allegation is that the petitioner in conspiracy with other employees has diverted valuable goods and has caused loss to the complainant to the tune of about Rs. 80 lakh.

The petitioner says that he is innocent. He has never indulged in any such activity. No notice under Section 41A of the Code of Criminal Procedure was ever served on him. The present complaint is a counter blast to a complaint lodged by him earlier against the present complainant.

We have seen the material in the case diary. At least two of the accused persons who were also employees in the same showroom have *prima facie* admitted that they were parties to a criminal conspiracy as alleged by the complainant. We also find

that a notice under Section 41A of the Code of Criminal Procedure was issued to the present petitioner but the same was not complied with.

In view of the nature of the allegations which are serious and in view of non-response of the petitioner to the notice under Section 41A of the Code of Criminal Procedure, we are not inclined to entertain the petitioner's prayer for anticipatory bail.

The prayer for anticipatory bail is rejected.

CRM No. 2965 of 2021 is, thus, dismissed.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)