

07.12.2021
Court No.32
Item No. 178
Krishnendu
Dismissed

**CRM 4909 of 2021
(Via video Conference)**

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

In re: **Krishna Bhanja**

...Petitioner

Mr. Jayanta Narayan Chatterjee
Mr. Md. Sahidullah Mridha
Mr. Nazir Ahmed
Mr. Munshi Ashiq Elahi

... For the Petitioner

Mr. S.S. Imam
Mr. Subrata Roy

...For the State

Apprehending arrest in connection with Baruipur Police
Station Case No. 2763 of 2019 dated 02.12.2019 under Sections
363/366/368/371 of the Indian Penal Code, the present
application has been preferred.

Mr. Chatterjee, learned advocate appearing for the
petitioner submits that the *de facto* complainant took a loan of
an amount of Rs. 50,000/- from the petitioner on 30th March,
2019 and he did not refund the same. As a consequence
thereof, a dispute occurred and a false complaint has been
lodged against the petitioner. The victim is a married lady,
having a daughter and it would be explicit from the averments
made in the application under section 156(3) of the Code of
Criminal Procedure that she left her residence informing her
daughter but the daughter has not yet been examined. On the
alleged date and time of the incident, the petitioner was

engaged in an executive meeting of Sree Sree Ramkrishna Vivekananda Sevasram. The petitioner has thus been falsely implicated and as such his custodial interrogation is not warranted.

Mr. Roy, learned advocate appearing for the State, opposes the petitioner's prayer and draws our attention to the statements of the witnesses, as recorded under section 161 of the Code and submits that investigation is not yet complete.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of accusations, the gravity of the offence and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in favour of the petitioner, more so when, investigation is still continuing and the victim lady has not yet been recovered.

The application for anticipatory bail, being CRM No. 4909 of 2021, is, accordingly, dismissed.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)