

09.12.2021
Court No.32
rpan / **501**

C.R.M. 4710 of 2021

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

And

In re: **Dipen Kumar Saha @ Dipen Saha & Others**

- Petitioners

Mr. Shibasis Chatterjee

....for the Petitioners.

Mr. Rudradipta Nandy

....for the State.

Apprehending arrest in connection with Sagardighi Police Station Case No.375 of 2013 under Sections 468/471/420/120B/409 of the Indian Penal Code, the present application has been preferred.

The learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated. A personal loan was availed jointly by the petitioners and for the alleged non realisation of the same, there are statutory remedies available. But without availing such remedies, the complaint had been lodged. The loan was sanctioned upon scrutiny of all documents by the bank officials. In the said conspectus, custodial interrogation is not warranted.

Mr. Nandi, learned advocate appearing for the State opposes the petitioners' prayer and submits that the loan was secured by submission of a registered deed of land. Upon an enquiry it had been ascertained that there is no existence of such land and the deed was not even registered in the concerned registry

office. The embezzled amount is about Rs.1.32 crores. The petitioners are all absconding and chargesheet has not yet been submitted.

Having heard the learned advocates and considering the materials in the case diary, the gravity of the offence, the amount of money involved, the conduct of the petitioners, the nature of allegations and the extent of their complicity in the alleged offence, we are not inclined to exercise any discretion in their favour. As such, their prayer for anticipatory bail is refused.

The application for anticipatory bail, being CRM No. 4710 of 2021 is, thus, 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.)