

17.12.2021
Sl. No.14
akd
[Rejected]

C. R. M. 4743 of 2021 [via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 14.07.2021 in connection with Baishnabnagar Police Station Case No. 237 of 2019 dated 18.05.2019 under Sections 420/34/409 of the Indian Penal Code.

And

In Re: ***Koyesuddin Biswas @ Koyesuddin @ Karashuddin & Anr.***
... .. Petitioners

Md. Sabir Ahammed
Md. Yusuf Ali

... .. for the petitioners

Mr. Swapan Banerjee
Mrs. Purnima Ghosh

... .. for the State

Pursuant to our earlier direction, Investigating Officer is personally present before this court. His presence is noted and dispensed with.

We are informed that the petitioner no.1 has been arrested in the meantime.

Hence, the prayer for anticipatory bail in respect of petitioner no.1 namely, ***(1) Koyesuddin Biswas @ Koyesuddin @ Karashuddin*** is dismissed as not pressed.

It is submitted on behalf of the petitioner no.2 that loans were advanced as per Rules to the members of the cooperative society who failed to repay the loan. As a result, there was a shortfall in the funds of the society.

Learned advocate appearing for the State opposes the prayer for anticipatory bail.

We have considered the materials on record. It appears that the petitioner no.1 along with petitioner no.2 and one Illias Ali were in charge of the affairs of the cooperative society. The society was

conducting business in an irregular manner and enquires were made at the end of the Registrar, Cooperative Society. Petitioner no.2 and Illias Ali had undertaken to refund a sum of Rs.5 lakhs for payment to depositors but failed to do so. Thereafter, they ran away. In view of the aforesaid materials prima facie disclosing role of petitioner no.2 in the mismanagement of the affairs of the company and misappropriating its funds, we are of the opinion custodial interrogation for collection of evidence as well as recovery of misappropriated funds is necessary and this is not a fit case to grant anticipatory bail to him.

Accordingly, the prayer for anticipatory bail of the accused/petitioner no.2 namely, **(3) Md. Abu Barkat @ Barkat Ali @ Barakat Ali** is rejected.

The application for anticipatory bail is thus, disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)