

13.09.2021
Item no.21.
Court No.32.
AB
(Rejected)

(Via Video Conference)

CRM No. 5539 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 19.08.2021 in connection with Berhampore Police Station Case No.1124 of 2020 Dated 03.11.2020 under Sections 420/511/465/467/471 of the Indian Penal Code

And

In the matter of : Subrata Das

.....Petitioner.

Ms. Minoti Gomes,
Mr. J. I. Hossainfor the Petitioner.

Mr. Rudradipta Nandyfor the State.

The petitioner says that he deposited a cheque drawn in his favour with State Bank of India, Berhampore Branch. The cheque was drawn in his favour by a Company called Samkrig Pistons & Rings Limited. The cheque has been found to be a forged document. The petitioner has been cheated by the Company. The petitioner has no role to play in any alleged offence. The petitioner has lodged a complaint against the drawer of the cheque.

The State says that after the cheque was deposited by the petitioner, the concerned Bank checked with the drawer of the cheque as to whether such high-value cheque had been drawn in favour of the petitioner. The purported drawer of the

cheque said that no such cheque had been issued on its behalf.

Upon further examination, it was found that the cheque had been tampered with and it is a forged document. This document was admittedly deposited with the Bank by the petitioner.

On an overall consideration of the facts and circumstances of the case and the prima facie complicity of the petitioner in the alleged offence, we are not prepared to extend the privilege of anticipatory bail to the petitioner, keeping in view also the fact that investigation is in progress and charge sheet is yet to be submitted.

C.R.M. No.5539 of 2021 is, accordingly, dismissed.

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

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)