

16.12.2021.
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as
(Rejected)

C.R.M. 6149 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Dum Dum P. S. Case No.965 of 2021 dated 30.08.2021 under Sections 409/420/406 of the Indian Penal Code.

In the matter of : Aakash Nuhiwal.

... Petitioner.

Mr. Sanjib Bandyopadhyay,
Mr. Ashok Kr. Singh.

...for the Petitioner.

Mr. Sudip Ghosh,
Mr. Apurba Kr. Datta.

.....for the State.

Mr. Bibaswan Bhattacharyya.

....for the de-facto complainant.

Heard the learned Advocates appearing for the parties.

Petitioner submits that he did not have authority to operate the bank account of the de-facto complainant's concern. Transactions took place over a month but no complaint was lodged by the de-facto complainant. Subsequently, the instant case has been foisted upon by the petitioner to falsely implicate him..

Learned Advocate appearing for the State opposes the prayer for anticipatory bail and submits that the father of the de-facto complainant had died and he was in bereavement. Taking advantage of such situation, petitioner

had dishonestly siphoned off funds in collusion with other accused persons who have been arrested.

Learned Advocate appearing for the de-facto complainant also opposes the prayer for anticipatory bail.

Materials on record give rise prima facie involvement of the petitioner in the unauthorised withdrawal of funds from the account of the concern.

In view of the aforesaid fact, we are of the opinion custodial interrogation of the petitioner for the purpose of tracing out the ramifications of the crime and collection of further evidence is necessary.

Hence, the application for anticipatory bail of the petitioner is rejected.

(Bivas Pattanayak,J.)

(Joymalya Bagchi, J.)