

01.10.2021
412
Ct. No. 29
sdas
rejected

C.R.M. 6263 of 2021
(via video conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Karaya Police Station Case No. 67 of 2021 dated 08.03.2021 under Sections 120B/406/408/420/467/468/471/477A/506(II) of the Indian Penal Code.

And

In Re : Umesh Chandra Gupta petitioner

Mr. Debasish Roy
Mr. Sandipan Ganguly,
Mr Ayan Bhattacharya
Mr. Arkadeb Bhattachaarya
Mr. Arka Banerjee

.... for the petitioner

Mr. Saswata Gopal Mukherjee, learned P.P.
Mr. Rudradipa Nandy

... for the State

Mr. Joyak Kumar Gupta
Md. Ashique Rosul
Mr. R. Hoque

.... for the de facto complainant

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that the petitioner was falsely implicated in the instant case. Moreover, the transactions between the petitioner and the persons claiming to lend and advance money is commercial in quantity. De facto complainant is an agent. He facilitated other persons to lend and advance money to the petitioner. The petitioner acknowledges that an aggregate sum of Rs.20,00,000/- is payable to three several persons viz. Kailash Kumar Kanwatia, Amraw Devi Jain and Suparshvamati

Commodities Pvt. Ltd. for which he is carrying pay orders drawn in favour of them.

State and the de facto complainant are represented.

Learned Public Prosecutor submits that the petitioner collected amounts in excess of Rupees ten crores from diverse persons on the promise to make such persons shareholders of a company to be floated by the petitioner. On receipt of the complaint, the investigating agency found that there are other persons from whom the petitioner obtained money on the same promise. He also submits that the investigating agency checked with the registrars of the Companies as to whether the petitioner formed or is forming the company or not. He further submits that apparently M/s. Gupta Brothers and Sons Private Limited is yet to be registered with the Registrar of Companies. He further submits that the investigations are in progress.

Considering the materials on record and considering the amount of money involved and since the fact that the petitioner dealt with the public to obtain money cannot be discounted at this stage, we are unable to grant anticipatory bail to the petitioner.

Accordingly, prayer for anticipatory bail of the petitioner is rejected and the application being CRM 6263 of 2021 is dismissed.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)

