

(Via Video Conference)

CRM 10053 of 2020

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Dankuni Police Station Case No.144 of 2020 dated 15-08-2020 under Sections 420/406/120B/34 of the Indian Penal Code.

- A n d -

In the matter of : Pritam Das & Ors.

.... Petitioners.

Mr. Md. Bani Israil

... For the Petitioners.

Mr. Swapan Banerjee,
Ms. Purnima Ghosh

... For the State.

Mr. Navanil De,
Ms. Puja Goswami

... For the defacto-complainant.

Present application has been preferred under Section 438 of the Code of Criminal Procedure in connection with Dankuni Police Station Case No.144 of 2020 dated 15-08-2020 under Sections 420/406/120B/34 of the Indian Penal Code.

Records reveal that by an order dated 09th December, 2020, a coordinate Bench of this Court directed that the petitioners shall not be arrested in connection with this case for a period of two weeks after the X-mas vacation on condition that they shall meet the Investigating Officer once in a week or until further orders, whichever is earlier and shall cooperate with the investigation in accordance with law.

Mr. Israil, learned advocate, appearing for the petitioners, submits that the petitioners have been falsely implicated. The allegations pertain to a commercial transaction amongst the parties. The petitioners have also

complied with the conditions imposed in the earlier order of this Court dated 09th December, 2020. It is submitted that in the said conspectus, custodial interrogation of the petitioners is not necessary.

Mr. Banerjee, learned advocate, appearing for the State, opposes the petitioners' prayer and submits that the petitioners have collected huge amount of money not only from the defacto-complainant, but from others too. Furthermore, they are involved in other pending criminal cases. It is submitted that the investigation is yet to be completed and as such, the petitioners are not entitled to the reliefs, as prayed for.

The report, as submitted in Court today, be taken on record. In the said report, it has *inter alia* been stated that the petitioners did not cooperate with the investigation and that they are habitual offenders.

Prima facie, it appears that there are materials on record which reveal the involvement of the petitioners in the alleged offence. Considering the nature of allegations, the antecedents of the petitioners and the extent of their involvement in the alleged offence, we are not inclined to exercise any discretion in favour of the petitioners in this case. As such, the prayer for anticipatory bail of the petitioners is refused.

Accordingly, the application being CRM 10053 of 2020 is **dismissed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Suvra Ghosh, J.)

(Tapabrata Chakraborty, J.)