

05.02.2021
Item no.13
Court No.28
Avijit Mitra

C.R.M. 10749 of 2020 (through video conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Habra Police Station Case No. 357 of 2018 dated 26.04.2018 under Sections 420/406 of the Indian Penal Code;

And

In Re : Rajdeep Roy

.... petitioner

Mr. Kallol Mondal,
Mr. Joy Chakraborty

....for the petitioner

Mr. Swapan Banerjee,
Mr. Suman De

... for the State

Mr. Mondal, learned advocate appearing for the petitioner submits that the petitioner is the director of a company, namely, M/S. Laxmi Vinayak Rice Mill Private Limited. He had been falsely implicated upon lodging a complaint on 26th April, 2018. Prior to the said date, a liquidator was appointed and the company was taken over in terms of an order dated 22nd March, 2018 passed by the National Company Law Tribunal. In view thereof, the petitioner lost his control over the company and was discharged from all liabilities.

He further submits that the allegations levelled against the petitioner are in the abstract and there is no material disclosing the involvement of the petitioner in the alleged offence.

Mr. Banerjee, learned advocate appearing for the State submits that the petitioner was directly involved in the alleged offence and that 2335 metric ton of rice had not been handed over to the appropriate authority in terms of the agreement

entered into. The value of the said quantity of rice exceeds rupees 3 crore. Charge under Section 409 has been incorporated and further investigation is in progress.

He further submits that the petitioner approached this Court earlier and his prayer for bail was denied by an order dated 5th November, 2020.

From the previous order dated 5th November, 2020 passed in CRM 8668 of 2020 it appears that the issue argued by Mr. Mondal was considered by the Court and the petitioner's prayer was refused.

Having heard learned advocates and considering the materials in the case diary, the magnitude of the offence, its ramification and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in favour of the petitioner and to enlarge him on bail at this stage.

Accordingly, the prayer for bail of the petitioner is rejected.

All parties are directed to act on the server copy of this order.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)