

15.03.2021

CRM 11067 of 2020

Court No.02
Item No.132
(Rejected)

akd

In Re:- An application for bail under section 438 of the Code of Criminal Procedure filed on 21.12.2020 in connection with Nowda Police Station Case No. 156/2019, dated 08.07.2019 under Sections 420/406 of the Indian Penal Code.

And

In the matter of : **Krishnendu Biswas**

...Petitioner

Mr. Bapin Baidya.

...For the Petitioner

Mr. Rudrodipta Nandy.

...For the State.

Apprehending arrest in connection with Nowda Police Station 156/2019 under Sections 420/406 of the Indian Penal Code, the petitioner has filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

It is submitted by the learned Advocate for the petitioner that he being an agent of the company had no involvement to the commission of offence, as the money was deposited by the intending depositors with the company.

The learned Advocate for the State opposes the prayer for anticipatory bail and it is submitted that there is a link and nexus of the petitioner in respect of the commission of an offence. The investigation is still going on, as large number of depositors have been cheated and duped by the said company with the help and assistance of various persons claiming as agent. It is vehemently submitted that the address given in the instant application is not correct. The petitioner has already sold the said property and has not been traced thereafter.

After hearing the submissions advanced by the learned Counsel for the respective parties and on perusal of the materials available in the case diary, more particularly the statements of several persons recorded under Section 161 of the Code of Criminal Procedure and considering the fact that the address shown in the instant application is not correct, the petitioner has already sold the

said property and absconded, we do not think that it is a fit case, where the petitioner should be extended with the privilege of pre-arrest bail. The prayer for anticipatory bail is accordingly rejected.

The application for anticipatory bail, being CRM 11067 of 2020, is thus **dismissed**.

(Harish Tandon, J)

(Abhijit Gangopadhyay, J.)