

27.09.2021
Court No.01
Item No. 21
Rejected
Krishnendu

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

**CRM 453 of 2021
(Via Video Conference)**

In Re:- An application for anticipatory bail under section 438 of the
Code of Criminal Procedure ;

And

In Re : **Biswanath Bhattacharya @ Biswanath Bhattacharjee**

Petitioner

Mr. Sabir Ahmed

Mr. Hillol Saha Podder

For the Petitioner

Mr. Aditi Shankar Chakraborty, Id. A.P.P.

Mr. Niloy Chakraborty

Ms. Namrata Das

For the State

Apprehending arrest in connection with Maynaguri Police Station

Case No. 172 of 2019 dated 04.06.2019 under sections 406/409/420 of
the Indian Penal Code, 1860, the petitioner has filed the present
application.

Mr. Ahmed, assisted by Mr. Saha Podder, learned advocates
appearing for the petitioner, submits that the dispute pertains to
performance of contract containing an arbitration clause and the

petitioner has been falsely implicated in the present case. The other co-accused persons, being the partners of the same partnership firm, had already been granted anticipatory bail by the learned Court below on 9th August, 2019 . Upon completion of investigation, charge sheet has also been submitted and as such custodial interrogation of the petitioner is not necessary.

Mr. Chakraborty, learned advocate appearing for the State opposes the petitioner's prayer and submits that the co-accused persons, who had been granted anticipatory bail, were dormant partners of the concerned partnership firm and the petitioner herein is not similarly situated with the said persons. There are incriminating materials on record, which clearly reveal the direct involvement of the petitioner in the alleged offence involving an amount of Rs.1,39,18,992/- .

We have heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

The allegation against the petitioner is of misappropriation of paddy to the tune of 886.556 metric tons, which is equivalent to Rs. 1,39,18,992/-.

Considering the gravity of the offence, its ramifications and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in his favour. Accordingly, his prayer for anticipatory bail is refused.

The application for anticipatory bail, being C.R.M. No. 453 of 2021, is dismissed.

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

(Abhijit Gangopadhyay, J)

(Tapabrata Chakraborty, J)