

09.03.2022

Sl. No. 03

Srimanta

Ct.No.42

CRM(SB)/40/2022

(Via Video Conference)

In Re : An application for bail under Section **439** of the Code of Criminal Procedure, 1973 in connection with **Pandua** Police Station Case No. **41/2022** dated **23.01.2022** under Sections **420/406** of the Indian Penal Code, 1860.

In the matter of : **Snehasis Roy @ Raja Roy**

...petitioner.

Mr. Prasun Mukherjee, Adv.,

Mr. Mainak Gupta, Adv.

...for the petitioner.

Mr. Prasun Kumar Datta, Adv.,

Mr. Santanu Deb Roy, Adv.

...for the State.

Mr. Arnab Chatterjee, Adv.,

Mr. Raushan Kumar Roy, Adv.

...for the *de facto* complainant.

The petitioner is the husband of Smt. Dola Roy. It is the case of the prosecution that the petitioner has a flat in the name of his wife, Dola Roy. He agreed to sell the said flat to the *de facto* complainant at a consideration price of Rs.45,00,000/-. Though the *de facto* complainant paid till date a sum of Rs.41,00,000/- by Bank transfer, the petitioner and his wife refused and neglected to execute the sale deed after accepting the balance amount of money. The *de facto* complainant also requested them to return the said money but they refused.

It is submitted by the Learned Advocate for the petitioner that the agreement, payment of money etc. was made between the *de facto* complainant and Smt. Dola Roy. The petitioner has no role in the said transaction. He is in

custody for a fortnight. Therefore, he should be released on bail.

On careful perusal of the Case Diary it is ascertained that an agreement was entered into between the *de facto* complainant and Smt. Dola Roy for sale of the flat in question. The present petitioner also accepted part of consideration money from the *de facto* complainant. Anticipatory bail of Smt. Dola Roy was rejected by this Court in CRM(A) 1037/2022. It is needless to say that Wife's Act binds the husband unless there is a specific agreement that the wife alone is responsible for committing such offence.

Considering the *prima facie* allegation of criminal misappropriation of huge amount of money, I am not inclined to release the petitioner on bail at this stage. Prayer of bail is, therefore, considered and **rejected**.

(**Bibek Chaudhuri, J.**)