

07.06.2022

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rejected

C.R.M.(A) 2353 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Kulti Police Station Case No. 390 of 2021 dated 06.08.2021 under Sections 420/467/468/471/120B of the Indian Penal Code.

And

In Re : Gadadhar Pal petitioner

Mr. Sudipta Biswas

... for the petitioner

Mr. P. K. Datta, learned APP

Mr. Santanu Deb Roy

... for the State

It is submitted by the learned Counsel appearing for the petitioner that he was a former Assistant Manager of YES Bank. He is absolutely innocent and had with bona fide intentions credited the dues of the de facto complainant in the account of co-accused Somnath Ghosh.

Learned Counsel appearing for the State opposes prayer for anticipatory bail.

We have considered the materials on record. No contemporaneous document authorising deposit of the amount due to the petitioner in favour of Somnath Ghosh could be placed before us justifying such deposit in favour of the co-accused.

Under such circumstances, we are of the prima facie opinion that the petitioner had connived with co-accused Somnath Ghosh to misappropriate the aforesaid sum due and

payable to the de facto complainant. Hence, we are of the opinion that this is not a fit case to grant anticipatory bail to the petitioner.

Accordingly, prayer for anticipatory bail is rejected.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)