

08.06.2022
Sl. No.83
akd
[ALLOWED]

C. R. M. (A) 2355 of 2022

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 18.05.2022 in connection with Raiganj Police Station Case No. 130 of 2018 dated 17.03.2018 under Sections 406/420/468/471/120B/409 of the Indian Penal Code. (G.R. Case No.285 of 2018)

And

In Re: ***Badal Kanti Chakraborty***

... .. Petitioner

Mr. Subir Banerjee
Ms. Taneja Bhowmick

... .. for the petitioner

Mr. Sudip Ghosh
Mr. Apurba Kumar Datta

... .. for the State

It is submitted on behalf of the petitioner that he is a former employee of the bank and had in a bonafide manner extended loan on the strength of a gift deed. Subsequently, he had retired. Only in 2018 it came to light that the deed was a forged one.

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

We have considered the materials on record. It appears that the loan was sanctioned by the bank and the loan account had been handled by the petitioner as a Manager of the bank for sometime. During his tenure, he had enhanced the borrowing limit on the said account. During the entire period the bank and/or its officers had proceeded on a belief that the collateral security namely, gift deed furnished by the borrower was a genuine one. However, only in 2018 it came to light that the document is forged. Even if it is assumed that the petitioner failed to exercise due diligence, it may not be possible on the basis of the existing materials to come to a firm conclusion that he had

acted in collusion with the borrower concerned. Under such circumstances, we are of the opinion custodial interrogation of the accused/petitioner may not be necessary in the facts of the present case and he may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the accused/petitioner, namely ***Badal Kanti Chakraborty***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall appear before the court below and pray for regular bail within four weeks from date.

The application for anticipatory bail is, thus, disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)