

12.07.2022
Serial no.36
Aloke

CRM (A) 3306 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Raghunathganj Police Station Case No. 426 of 2022 dated 27.05.2022 under Sections 420/406/506 of the Indian Penal Code.

-And-

In the matter of : **Bablu Sk**

... .. Petitioner

Mr. Ayan Bhattacharya, Advocate
Mr. Kunal Ganguly, Advocate

... .. For the Petitioner

Mr. Saswata Gopal Mukherjee, Id. PP, Advocate
Mr. Partha Pratim Das, Advocate
Ms. Manasi Roy, Advocate

... ...For the State

Petitioner prays for anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner was falsely implicated. He refers to an agreement under which, the petitioner agreed to return the loan taken by the petitioner. He submits that the petitioner is now ready and willing to honour the cheque issued in terms of the agreement.

Learned Advocate appearing for the State submits that the petitioner is involved in a racket where, the petitioner promised job to the members of the public in lieu of money. He refers to the statement recorded under Section 161 of the Code of Criminal Procedure. He submits that the bank account of the petitioner showed nil balance on the day of the issuance of the cheque in terms of the agreement. According to him, the agreement is an eye wash.

In response, the learned Advocate appearing for the petitioner submits that oral evidence cannot be looked into in view of the documentary evidence of loan transaction.

We are at the stage of considering the application for bail. The legality, validity and the sufficiency of the documents sought to be relied upon by the petitioner is to be tested at the trial, if produced as evidence.

There are serious allegations as against the petitioner and the materials in the case diary suggests that the petitioner is involved in a racket wherein, members of the public are promised with employment in public authorities in exchange of money.

In view of such serious allegations as against the petitioner and in view of the materials in the case diary as against the petitioner, need for custodial interrogation of the petitioner cannot be overlooked.

In such circumstances, we are unable to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner is rejected.

CRM (A) 3306 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)