

28.07.2022

Sl. 13
Court No.29
(AD)
(Rejected)

C.R.M. (A) 3470 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Jadavpur** Police Station Case No.**136 of 2022** dated **25/06/2022 (A.C.G.R.-2718/2022)** under Sections **354/376(2)(f)/511** of the Indian Penal Code.

And

In the matter of: **Prof. Herkan Neadan Toppo**

....petitioner.

Mr. Sekhar Kumar Basu, Ld. Sr. Advocate
Mr. Kallol Mondal
Mr. Arindam Sen
Mr. Saurav Basu
Mr. Pallab Kumar Mitra
Mr. Samit Bhanja
Ms. Amrita Pandey
Ms. Shreoshee Roy Chowdhury
Mr. Krishan Ray

...for the petitioner.

Mr. Swapan Banerjee
Ms. Purnima Ghosh

...for the State.

Petitioner prays for anticipatory bail.

Learned Advocates appearing for the petitioner submit that the bank account of one of the learned Advocates of the petitioner was attached by the cyber cell of the police.

Learned Advocate appearing for the State, on instructions, from the Investigating Officer who is present in Court submits that the police never wanted to attach the bank account of one of the Advocate of the petitioner.

In any event, the police issued electronic mail to the concerned bank for de-freezing the bank account of one of the counsel of the petitioner. He refers to the audio recording which the Court wanted on the previous occasion.

There is a statement recorded under Section 164 of the

Code of Criminal Procedure of the de facto complainant. The statement of the de facto complainant refers to an audio recording.

Considering the statement of the de facto complainant recorded under Section 164 of the Code of Criminal Procedure and considering the audio recording, we are unable to grant anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

C.R.M. (A) 3470 of 2022 is dismissed.

Since the bank account of an Advocate for the petitioner was sought to be frozen by a writing dated July 19, 2022 and since the police claim that such bank account was inadvertently frozen, we direct the bank to de-freeze the bank account of the learned Advocate for the petitioner forthwith, if not already done.

The apology of the police to the learned Advocate for the petitioner in this regard is placed on record.

Learned Advocate for the petitioner need not comply with the writing dated July 19, 2022 so far that it relates to him.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)