

15.03.2022

Court No.32
rpan / 01

C.R.M. 7092 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Baguiati Police Station Case No. 227 of 2021 dated 08.05.2021 under Sections 420/408/477A/403/468/120B/34 of the Indian Penal Code;

And

In re: **Biswajit Dutta**

- Petitioner

Mr. Kamalesh Chandra Saha,

Ms. Payel Mitra

....for the Petitioner.

Mr. Saswata Gopal Mukherjee, Ld. P.P.,

Mr. Md. Sabir Ahmed,

Mr. Bidyut Kumar Roy,

Ms. Sima Biswas

....for the State.

Mr. Satadru Lahiri

... for the *de facto* complainant.

Mr. Saha, learned advocate appearing for the petitioner submits that the petitioner had been roped in on the basis of mere suspicion. He has no involvement in the alleged offence. Complying with the directives of this Court, he duly met with the Investigating Officer of the case and cooperated with the investigation. The principal accused is one Ms. Mahua Sarkar, who has been granted bail by the learned court below.

Mr. Saha further submits that pertaining to the same issue three proceedings were initiated and the petitioner is also not named as an accused in the first proceeding, being Baguiati Police Station Case No.194 of 2021. In the said conspectus, custodial interrogation of the petitioner may not be necessary.

Mr. Mukherjee, learned Public Prosecutor appearing for the State submits that pertaining to the dispute three cases were registered, being Baguiati Police Station Case No.194 of 2021, dated 28th April, 2021; Baguiati Police Station Case No.227 of 2021, dated 8th May, 2021 and Baguiati Police Station Case No.456 of 2021, dated 20th August, 2021. The petitioner initially did not comply with Section 41A notice. However, in terms of the direction passed by this Court, he met with the investigating officer but could not explain the transaction in his three bank accounts. Three cases have been merged together and investigation is not yet complete. As such, custodial interrogation of the petitioner is necessary.

Mr. Lahiri, learned advocate, enters appearance on behalf of the *de facto* complainant and opposes the petitioner's prayer.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, it appears that there is a money trail in which the petitioner is involved. The amount of money alleged to have been misappropriated is about Rs.6.5 crores. Considering the seriousness of the offence, the extent of complicity of the petitioner in the alleged offence and as investigation is still continuing, his prayer for anticipatory bail is refused.

The application for anticipatory bail, being CRM 7092 of 2021 is, accordingly, dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)