

10.02.2022
cm/ct 28
sl no. 7

C.R.M. 7644 of 2021

In Re : An application for Anticipatory bail under section 438 of the Code of Criminal Procedure in connection with the Investigation of CBI, Eo-IV Kolkata Case No. RC-18(E)/2017-Kolkata against EM Bank Agroecological Ltd. in connection with Dum Dum P.S. Case No. 408 of 2012 dated 20/06/2012 under Section 420/406/506 & 120B of Indian Penal Code.

And

Allowed

In Re : Sri Achinmoy Biswas

..... petitioner

Ms. Barnali Saha

..... for the petitioner

Mr. Y.J. Dastoor, Ld. A.S.G.

Mr. Phiroze Edulji

Mr. Samrat Goswai

... for the State.

It is submitted on behalf of the petitioner that he is no way connected with the affairs of M/S. EM Bank Agroecological Limited. He has been falsely implicated in the instant case.

Learned Counsel for the C.B.I. submits that the petitioner is the brother-in-law of the principal accused Amitava Biswas and monetary transaction to the tune of Rs. 10 lakhs was made through his account. Report submitted on behalf of the C.B.I. is kept on record.

We have considered the materials on record including the report submitted by the investigating agency. From the report it appears that petitioner was not connected with the affairs of the investment company. Certain sums of money were deposited in the account of the petitioner over purchase of land and the same was

transmitted as per the instruction of the sister of the petitioner. In view of the aforesaid facts particularly the extent of complicity of the petitioner in the alleged crime and as petitioner had cooperated with investigation, we are of the opinion that petitioner may be granted pre-arrest bail.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount each, to the satisfaction of the Arresting Officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further conditions petitioner shall meet the investigating officer once in a week until further orders.

Petitioner shall appear before the court below and pray for regular bail within four weeks from date.

The application being CRM 7644 of 2021 is disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)

