

CRM No.8570 of 2021

Via video conference

03.03.22

(S.R.)
Sl.208
Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Budbud** Police Station Case No.94 of 2021 dated 30.08.2021 under Sections 420/406/467/468/471/120B of the Indian Penal Code;

And

In re: Mrinmoy Saha

... petitioner.

Mr. Goutam Dinda

... for the petitioner.

Mr. Swapan Banerjee

Mr. Anindya Sundar Chatterjee

...for the State.

Mr. Dinda, learned advocate appearing for the petitioner submits that the alleged amount claimed by the *de facto* complainant has already been returned. The petitioner is innocent and he was authorised to act on behalf of the *de facto* complainant. The entire case is based on documentary evidence and in the said conspectus, custodial interrogation is not necessary.

Mr. Chatterjee, learned advocate appearing for the State opposes the petitioner's prayer. Placing reliance upon a letter dated 25th September, 2021 issued by the Block Development Officer and the bank's statement of the petitioner, Mr. Chatterjee submits that public money has been misappropriated. The *de facto* complainant was, accordingly, deprived of the money sanctioned under the PMAYG Scheme.

Prima facie, we find strong incriminating materials on record against the petitioner. Considering the seriousness of the offence, which involves public money and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in his favour. As such, his prayer for anticipatory bail is refused.

The application for anticipatory bail being CRM No.8570 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.)