

04.02.2022
Item no. 08
Court No.32
Avijit Mitra

C.R.M. 9068 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Chandannagar Police Station Case No.274 of 2021 dated 27.11.2021 under Sections 341/420/406/465/467/354/120B/34 of the Indian Penal Code;
And

In Re : Utpal Kanrar & anr.

.... petitioners

Mr. Sudip Ghosh Chowdhury

....for the petitioners

Mr. Bidyut Kumar Roy,

Ms. Purnima Ghosh

..... for the State

Heard the learned lawyer for the petitioners as well as the learned lawyer for the State and perused the case diary.

Learned lawyer for the petitioner Mr. Ghosh Chowdhury submitted that the present petitioner no.1 is arrested. Therefore, anticipatory bail in respect of the petitioner no.1 has become infructuous and the same is dismissed as 'not pressed'.

So far as the application of petitioner no.2 is concerned, it is submitted that the petitioner no.2 has been falsely implicated in the case and he has no complicity in the alleged offence. Therefore, he prays for anticipatory bail in respect of petitioner no.2.

Per contra Mr. Roy, learned lawyer representing the State submitted that strong incriminating elements are there against the present petitioner no.2 and he strongly opposed the prayer for anticipatory bail.

On perusal of the case diary it appears from the statement of the witnesses, particularly, the statement of the *de facto* complainant that the present petitioner no.2 has active complicity in the alleged crime. It also appears that the petitioner no.2 induced the *de facto* complainant to part with her money to the former with representation that money would be doubled in future and further that loan could be obtained against such deposit. But, as appears from the case diary, promises and representations failed but money taken by the petitioner no.2 is not returned. Accordingly, there are strong incriminating elements against the present petitioner no.2, for which we are not inclined to allow the anticipatory bail and the same stands rejected.

The application for anticipatory bail being C.R.M.9068 of 2021 is 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.)