

23.09.2022
Serial no. 07
[Dd]
(Anticipatory bail)
(**Rejected**)

CRM (A) 4528 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Nager Bazar** Police Station Case No. **228** of **2022** dated **26.07.2022** under Sections **420/406** of the Indian Code.

-And-

In the matter of : **Shuvomay Dey**

... ..**Petitioner**

Ms. Joyita Ray, Advocate
... .. For the Petitioner

Mr. T. D. Nandy,
Mr. Antarikhya Basu, Advocates
... ..For the State

Mr. Somraj Gangopadhyay, Advocate
.. ...For the de facto complainant

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that the petitioner was forced to write an acknowledgement of liability.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary.

The de facto complainant is represented.

There are allegations of defalcation of funds. Apparently, the petitioner acknowledged his misconduct in writing.

There is no contemporaneous conduct on behalf of the petitioner claiming that he was forced to write the letter.

The petitioner did not respond to the three notices issued under Section 41A of the Code of Criminal Procedure. The facts and circumstances emanating from the case diary

suggest requirement of immediate custodial interrogation of the petitioner.

In such circumstances, we are not inclined to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner is **rejected**.

CRM (A) 4528 of 2022 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)