

16.11.2022
Serial no.2
Aloke

CRM (A) 4900 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Bhagwangola Police Station Case No. 93 of 2020 dated 19.02.2020 under Sections 406/409/381/120B of the Indian Penal Code and charge-sheet submitted under Sections 406/409/381/420/468/471/120B of the Indian Penal Code.

-And-

In the matter of : **Pradip Kumar Bose @ Pradip Basu**

... .. Petitioner

Mr. Somenath Adhikary, Advocate

... .. For the Petitioner

Mr. Rudradipa Nandy, Id. APP

Mr. Aninda Sundar Chatterjee, Advocate

... ..For the State

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that two police complaints were lodged against the petitioner in respect of same sort of transactions. In one of the police complaints petitioner was granted anticipatory bail by an order dated November 11, 2022 passed in CRM (A) 4897 of 2022. The petitioner is complying with the notices issued under Section 41A of the Code of Criminal Procedure.

Learned Advocate appearing for the State submits that the Court was pleased to reject the prayer for anticipatory bail in respect of the bank officials on March 3, 2022 passed in CRM (A) 1479 of 2022. Such petitioner is the bank manager involved in a bank fraud. He opposes the prayer for anticipatory bail. According to him, the petitioner is complicit in granting gold loan facilities to fictitious persons.

It appears from the records that there are two police complaints being Bhagwangola P.S. Case No. 93 of 2020 dated February 19, 2020 and Bhagwangola P.S. Case No. 94 of 2020 dated February 19, 2020.

In respect of Bhagwangola P.S. Case No. 93 of 2020, the bank officials were denied the relief of anticipatory bail by the order dated March 30, 2022 passed in CRM (A) 1479 of 2022. However, in Bhagwangola P.S. Case No. 94 of 2020, the petitioner himself was granted anticipatory bail by this Court. Such bail was granted on the basis of the jurisdictional Court granting anticipatory bail to another co-accused who was the gold appraiser of the gold loan sanctioned.

Since the petitioner was granted anticipatory bail in Bhagwangola P.S. Case No. 94 of 2020 and since the allegations relate to grant of gold loan, we deem it appropriate to grant anticipatory bail to the petitioner herein. Moreover, the police filed charge-sheet.

In such circumstances, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), 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 condition that the petitioner shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioner is allowed.

CRM (A) 4900 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)