

17.11.2022
Serial no.4
Aloke

CRM (A) 5011 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Baguihati Police Station Case No. 314 of 2022 dated 04.08.2022 under Sections 420/406/409/468/471/120B of the Indian Penal Code.

-And-

In the matter of : **Ananda Majumder**

... .. Petitioner

Mr. Sekhar Kr. Basu, Sr. Advocate

Mr. Souvik Mitter, Advocate

Ms. Rajnandini Das, Advocate

Mr. Sayan Mukherjee, Advocate

... .. For the Petitioner

Mr. N. Ahmed, Id. APP

Ms. Manasi Roy, Advocate

... ..For the State

Mr. Anjan Chakraborty, Advocate

... .. For the de facto complainant

Petitioner seeks anticipatory bail.

Learned Senior Advocate appearing for the petitioner submits on instructions that, subsequent to the lodgment of the police complaint there was a reappraisal at the level of the bank whereupon the gold pledged as security was found to be genuine.

Learned Additional Public Prosecutor refers to the materials in the case diary. He submits that the petitioner is gold appraiser and gold loans were disbursed on the pledge of gold which was found to be spurious.

Learned Advocate appearing for the de facto complainant submits that on reappraisal, the gold pledged was found to be spurious.

The petitioner is an appraiser of gold engaged by the de facto complainant for the purpose of appraising gold which a customer pledges for the purpose of obtaining gold loan. On reappraisal, the bank found the gold to be spurious. The bank is unable to recover the gold loan at present. Consequently, the police complaint was lodged

The contention of the petitioner that on reappraisal, the gold was found to be genuine, is belied by the documents relied upon by the de facto complainant.

The complicity of the petitioner in the offences cannot be overlooked at this stage.

Consequently, we are unable to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner is rejected.

CRM (A) 5011 of 2022 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)