18.09.2023
SL. 5
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 2354 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Hare Street** Police Station Case No. **97** dated **26.04.2022** under Sections **420/406/120B/506** IPC.

And

In the matter of: **Subhadeep Ghosal**

….petitioner.

Mr. Moyukh Mukherjee
Mr. Debabrata Ganguly
Ms. Sudeshna Basu Thakur
Ms. Denbaleena Ganguly

…for the petitioner.

Mr. Sudip Ghosh
Mr. Koushik Kundu

…for the State.

Mr. Brajesh Jha
Ms. Megha Datta

… for the defacto complainant.

1. Heard learned Counsel for the parties.

2. The elder brother of the petitioner (alleged to be absconding) is stated to be running a company for facilitating admission of students in foreign medical colleges and other colleges. It is alleged that many persons like the son of the informant has been duped. It is further found from the CD that several number of cases of similar nature are pending against the elder brother of the petitioner within the territory of Punjab and Haryana and some in Delhi. So far as the present petitioner is concerned, he is the younger brother of the alleged principal accused and it is alleged against him that he had received cash of Rs. 3 lakh from the informant on behalf of his elder brother inside or near hotel Lalit, Kolkata.

3. We had given opportunity to the petitioner to appear before the I.O. in compliance of notice under Section 41A Cr.P.C. He had appeared before the I.O. but the I.O. has reported that the petitioner did not cooperate. We peruse the interrogation of the petitioner in question and answer form and the petitioner has denied knowledge about the facts which are not within his knowledge.
4. The petitioner is stated to be an employee of the HDFC Life Insurance Company Ltd. and necessary documents are produced before us regarding his employment in the Bank since eight years and those documents after perusal are returned to the Counsel for the petitioner.
5. So far as the present petitioner is concerned, he is alleged to have helped the principal accused (his elder brother) in receipt of Rs. 3 lakh in cash from the informant and that is the ground to attract jurisdiction of this Court so far as the present offence is concerned.
6. It is also stated by the learned Counsel for the State that in a similar fashion, the present petitioner is alleged to have taken cash from another victim in another case but the amount has not been mentioned though the total amount paid to the elder brother of the petitioner is stated to be 18 lakhs.
7. Regard being had to the facts and submission, factum of permanent residence of the petitioner, nature of allegation, and especially, the fact that the present petitioner is alleged to have received case from the informant in the present case and another victim in another case, such question being not

corroborated is a matter to be decided in the trail and substantial progress in investigation, it is directed that the petitioner shall be released on bail in the event of his arrest by the Arresting Officer in the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the conditions that:

i) The petitioner is directed to appear before the I.O. once in a week on the day and time fixed by the I.O. for the purpose of investigation till submission of Final Form.

8. Within 21 days from today, petitioner is directed to appear before the I.O. along with a server copy or certified copy of this order.
9. Accordingly, the prayer for anticipatory bail is allowed.
10. The application being **CRM (A) 2354 of 2023** is disposed of.
11. The I.O. is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)