

12.09.2023

SL. 3

Court No. 29
Suvayan

(Partly Allowed)

C.R.M. (A) 2713 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Baguiati** Police Station Case No. **359 of 2023** dated **19.06.2023** under Sections **406/420** of the IPC.

And

In the matter of: **Haranchandra Ghosh & Anr.**

....petitioners.

Mr. Sujoy Sarkar
Mr. Rahul Chachar

...for the petitioners.

Mr. Debabrata Chatterjee
Mr. Santanu Chatterjee

...for the State.

Mr. Angshuman Chakraborty
Mr. S. S. Saha

...for the de facto complainant.

1. Heard learned Counsel for both the parties.
2. The report as filed by the learned Counsel for the State be taken on record.
3. Both the petitioners being father and son are alleged to have cheated a handicapped lady. Petitioner No. 2, Biswajit Ghosh having gained her confidence on a promise to marry her. From the report called for on last occasion, i.e., 02.08.2023 as submitted by the I.O. it is found that Biswajit Ghosh is the person who had mortgaged the alleged jewelry of the informant in question in Muthoot Finance Company Limited. Both the petitioners are alleged to have signed the loan agreement in the Federal Bank by mortgaging the alleged jewelry in question and Biswajit Ghosh has withdrawn cash on two occasions by using seven cheques in the Union Bank of India, Baguiati Branch.
4. So far as the genesis of the case is concerned the informant being a handicapped lady was living with her maternal uncle

who was unmarried and ill. The informant and the petitioner No. 2 came into contact through Facebook. Petitioner No. 2 promised to marry the victim and gained confidence of her maternal uncle. He was looking after all the Bank transaction of her maternal uncle and in the passage of time he is alleged to have defrauded the informant who after death of her maternal uncle was to inherit the property in question.

5. So far as petitioner No. 1, Haranchandra Ghosh father of petitioner No. 2 is concerned the allegation is, however, at the fringe. The substantive allegation is against the petitioner No. 2.
6. Regard being had to such facts and submissions, factum of permanent residence of the petitioner No. 1, nature of allegation, and substantial progress in investigation, it is directed that the petitioner No. 1, Haranchandra Ghosh shall be released on bail by the Arresting Officer in the event of his arrest 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 No. 1, Haranchandra Ghosh is directed to appear before the I.O. once in a fortnight on the day and time fixed by the I.O. for the purpose of investigation till submission of F.F.
7. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
8. Within 21 days from today the petitioner No. 1, Haranchandra

Ghosh shall appear before the I.O. alongwith a server copy/certified copy of this order. If server copy is supplied, learned I.O. shall act upon that.

9. So far as the petitioner No. 2, Biswajit Ghosh is concerned his prayer for anticipatory bail is rejected.

10. Accordingly, the prayer for the anticipatory bail is partly allowed.

11. The application being **CRM (A) 2713 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

