

22.08.2023
SL. 6
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 3072 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Domjur** Police Station Case No. **464** of **2020** dated **14.09.2020** under Sections **406/420** IPC.

And

In the matter of: **Nabab Saikh @ Nabab Sk.**

....petitioner.

Mr. Tapodip Gupta

...for the petitioner.

Mr. Antarikhya Basu

...for the State.

1. Heard learned Counsel for the parties.
2. It is alleged that one company, namely, Capital First Ltd. managed by Avik Roy and Biswajit Roy (co-accused persons) sanction loans in favour of different companies. The present informant to start a company, applied for sanction of Rs. 50 lakh as loan being allured by aforesaid Avik Roy and Biswajit Roy. The informant was asked to pay money to different account as security so that the loan can be sanctioned. The informant is alleged to have deposited 19,62,495/- in different accounts in the meantime but no loan has yet been sanctioned. So far as the present petitioner is concerned, Rs. 36,600/- is alleged to have been deposited in the account of the present petitioner being allured by the manner as alleged.
3. Learned Counsel for the petitioner submits that he has refunded the entire amount to the informant but there is no document to that effect.
4. Regard being had to the facts and submission, the benefit alleged to have been derived by the present petitioner in the

entire transaction, nature of allegation and substantial progress in investigation, it is directed that the petitioner shall be released on bail in the event of their 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 are 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 submissions of F.F.;
 - ii) so far as the refund of the amount is concerned, the petitioner is directed to file necessary documents showing refund of the amount of Rs. 36,600/- to the informant before the I.O. and the I.O. is further directed to verify the genuineness of the claim from the informant.
5. The petitioner is directed to appear before the I.O. within 21 days from today along with a server copy or certified copy of this order.
 6. Accordingly, the prayer for the anticipatory bail is allowed.
 7. The application being **CRM (A) 3072 of 2023** is disposed of.
 8. The Arresting Officer is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

