

22.08.2023
ML. 293
Court No. 29
Sourav
(Rejected)

C.R.M. (A) 3096 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Chandrakona** Police Station Case No. **382** of **2022** dated **16.09.2022** under Sections **420/406/409/120B/34** IPC.

And

In the matter of: **Umacharan Ray**

....petitioner.

Mr. Sabir Ahmed
Mr. Sandip Kushari

...for the petitioner.

Mr. Neguive Ahmed, Ld. APP
Ms. Amita Gaur

... for the State.

1. Heard learned Counsel for the parties.
2. The petitioner is stated to be the Secretary of the Co-operative Society and it is alleged that loan has been sanctioned illegally and irregularly involving about 3 crores of rupees of the said Society.
3. It is submitted by the learned Counsel for the petitioner that the evidence collected in the case are documentary in nature and charge-sheet having already been filed, there is no necessity of custodial interrogation. It is further submitted that about 2.20 crores of rupees have been repaid in the meantime and 2 loanees have given undertaking to repay further amount of Rs. 70 lakhs.
4. Be that as it may, this being a serious economic offence, the petitioner as a Secretary of the Society cannot shrink his responsibility so far as illegality and irregularity in sanction of loan is concerned on the ground that Khagendranath

Chowdhury, Ex-Manager did not guide the Board of Directors properly. The economic offences committed in the country is on a different pedestal than the general offence committed under IPC. The one of the directors, namely, Joydeb Roy has been admitted to bail on 21.06.2023 in CRM (DB) 2256 of 2023 after incarceration of about five years. That being an order under Section 439 Cr.P.C., parity cannot be claimed by the petitioner on the basis of that order.

5. Regard being had to the seriousness of the offence, we are not inclined to exercise our discretion in favour of the petitioner under Section 438 Cr.P.C.
6. Accordingly, the prayer for anticipatory bail is rejected.
7. The application being **CRM (A) 3096 of 2023** is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

