

22.08.2023
ML. 302
Court No. 29
Sourav
(Rejected)

C.R.M. (A) 3105 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: **Somnath Chowdhury**

....petitioner.

Mr. Sabir Ahmed
Mr. Sandip Kushari

...for the petitioner.

Mr. Madhusudan Sur, Ld. APP
Mr. Manoranjan Mahata

... for the State.

1. Heard learned Counsel for the parties.
2. The petitioner is stated to be one of the directors of the Board of the Co-operative Society when the alleged amount of loan was sanctioned with much illegality and irregularity. The positive point for the petitioner is that the entire transaction being documentary in nature, all the documents have been seized and charge-sheet having already been filed, there is no necessity of custodial interrogation of the present petitioner.
3. Be that as it may, this being a serious economic offence, the petitioner as a Director of the Board 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 our country is on a different pedestal than the general offence committed under IPC. 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.

4. 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.
5. Accordingly, the prayer for anticipatory bail is rejected.
6. The application being **CRM (A) 3105 of 2023** is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

