

23.08.2023
ML. 358
Court No. 29
Sourav
(Rejected)

C.R.M. (A) 3164 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Pingla** Police Station Case No. **380** dated **12.12.2019** under Sections **420/406/409/323/506/34** IPC (corresponding to G.R. Case No. **4391** of **2019**).

And

In the matter of: **Sib Sankar Das @ Sibsankar Das**

....petitioner.

Mr. Navanil De
Mr. Rajeshwar Chakraborty
Ms. Monami Mukherjee

...for the petitioner.

Mr. Madhusudan Sur, Ld. APP
Mr. Arabinda Manna

... for the State.

Mr. Amit Ranjan Pati

... for the defacto complainant.

1. Heard learned Counsel for the parties.
2. From the police papers, we find that the petitioner used to act as a middle man for different needy persons for securing loan for them from the Branch of the PNB where co-accused, who is in custody was the Branch Manager. The *modus operandi* of the petitioner is that he used to fill up the loan application form etc. for sanction of loan.
3. In the present case, the informant was taken by the petitioner for obtaining a loan of Rs. 6 lakhs but surprisingly an amount of Rs. 19 lakhs and odd was credited to her loan account. Out of the said amount, it is found from the bank statement of the informant that Rs. 5 lakhs has been transferred to the account of the present petitioner. It is further found that five

earlier cases of similar defraud has been reported against the petitioner in the same P.S. earlier by different loanees of the self-same Branch of the PNB where the co-accused was the branch manager. Though charge-sheet has already been filed, we feel the necessity of face to face custodial interrogation of both the bank manager and the present petitioner for getting at the root of the entire transaction so that the innocent victims can get relief to some extent.

4. Regard being had to the seriousness of the allegation, we are not inclined to exercise our discretion under Section 438 Cr.P.C. in favour of the petitioner.
5. Accordingly, the prayer for anticipatory bail is rejected.
6. The application being **CRM (A) 3164 of 2023** is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

