

29.08.2023
SL. 16
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 3270 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Shibpur** Police Station Case No. **169** of **2021** dated **17.06.2021** under Sections **420/406/465/468/470/471/120B** IPC.

And

In the matter of: **Kajal Dey**

....petitioners.

Mr. Somopriyo Chowdhury
Mr. Dipayan Dan

...for the petitioners.

Mr. Rudradipta Nandy, Ld. APP
Mr. Iqbal Kabir

...for the State.

1. Heard learned Counsel for the parties.
2. Six borrowers were sanctioned loan amounting to Rs. 39 lakhs and odd under Express Credit Loan Scheme. According to the Scheme of the aforesaid loan, one private agency named Prerogative Business Solutions Pvt. Ltd. (PBSPL, for short) was assigned the duties of verification of documents submitted by the borrowers. On submission of such documents after verification by the aforesaid agency, loan is to be sanctioned in favour of the borrowers.
3. So far as the role of the present petitioner is concerned, it is submitted by Mr. Nandy, learned Counsel for the State that the present petitioner had introduced the aforesaid borrowers to the PBSPL whose documents after verification were submitted to the Bank and loans were sanctioned.
4. It is further submitted by the learned Counsel for the petitioner that in the arrangement, the petitioner having facilitated bringing loanees to the bank was entitled to get one

per cent of the loan amount sanctioned to each borrower.

5. In the Scheme nowhere any role has been ascribed to the present petitioner so far as verification of documents etc. is concerned. His simple duty is to bring the loanees to the PBSPL.
6. We, therefore, are not agreeable to accept the submission of the learned Counsel for the State that the present petitioner is also a part of the racket so far as sanction of loan on the basis of fake/forged document is concerned at least *prima facie*.
7. Regard being had to the facts and submission, factum of permanent residence of the petitioner, nature of allegation and substantial progress in investigation, it is directed that the petitioner shall be released on bail in the event of his 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.
8. 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.
9. Accordingly, the prayer for the anticipatory bail is allowed.
10. The application being **CRM (A) 3270 of 2023** is disposed of.
11. The I.O. is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

