

25.09.2023
SL. 5
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 3278 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Jalangi** P.S. Case No. **570 of 2017** dated **15.07.2017** under Sections **468/471/419/420/409/120B/34** IPC corresponding to G.R. Case No. **3007 of 2017** pending before the learned CJM, Behrampur, Murshidabad.

And

In the matter of: **Rafikul Alam**

....petitioner.

Mr. Sudipto Maitra, Sr. Adv.
Mr. Vijay Verma
Mr. Dwaipayan Biswas

...for the petitioner.

Mr. Rudradipta Nandy, APP
Mr. Ranadeb Sengupta

...for the State.

1. Heard learned Advocate for both the parties.
2. The petitioner was virtually an agent functioning as Customers Service Point of the State Bank of India, whose duty was to propagate the loan scheme among the marginal farmers for grant of agricultural loan. He had no authority or duty to check the genuineness, etc., of any document or eligibility of the persons taking loan for grant of such loan as submitted by learned Counsel for the petitioner.
3. It is alleged that 132 borrowers have taken loan through the present petitioner whose documents were found to be fake. There was an intermediary organisation which is also private organisation which had the duty of scrutinizing the documents of the proposed lonee after they come with application for loan.
4. On 25.08.2023, we had asked learned Counsel for the State to provide us the scheme of the SBI regulating appointments and duties of the Customers Service Point. Such document has not yet been provided to us.

5. Charge-sheet is stated to have been filed and it is submitted by learned Counsel for the petitioner that all the borrowers have not been shown as accused in the charge-sheet on the basis of whose fake document the present petitioner has been charged.
6. In view of filing of charge-sheet and all the evidence being document based, we do not find any justification for custodial interrogation of the petitioner.
7. Regard being had to facts and submissions, factum of permanent residence of the petitioner, nature of allegation and completion of investigation, it is directed that the petitioner shall surrender before the learned Chief Judicial Magistrate, Behrampore, Murshidabad within 15 days from today in the G.R. case No. 3007 of 2017 arising out of aforesaid P.S. case.
8. On his appearance and application for bail the petitioner shall be released on bail on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
9. The learned CJM, Behrampore, Murshidabad is directed to act upon the server copy of this order, if required.
10. Accordingly, the prayer for the anticipatory bail is allowed.
11. The application being **CRM (A) 3278 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

