

30.08.2023

SL. 18
Court No. 29
Suvayan
(Rejected)

C.R.M. (A) 3373 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Shibpur** Police Station Case No. **71 of 2023** dated **15.02.2023** under Sections **420/406** of the IPC.

And

In the matter of: **Pradip Ari**

....petitioner.

Mr. Anirban Dutta
Ms. Priyanka Mukherjee
Ms. S. Ghosh

...for the petitioner.

Mr. Ranabir Roy Chowdhury
Mr. Mainak Gupta

...for the State.

1. Heard learned Advocate for both the parties.
2. Perused the materials as placed before us. It reveals that the present petitioner in the instant case has acted as a gold appraisal and on the basis of which loan was sanctioned and disbursed in favour of the borrower. Subsequently, in course of verification it has been ascertained that the appraised gold as made by the petitioner is found to be spurious.
3. Learned Advocate for the petitioner in course of his submission argued that for the shake of argument even if it is found that the gold was found to be spurious, at best the charge can be leveled against the petitioner for dereliction of duty and not for the offence/offences with which the present petitioner has been charged.
4. While opposing the prayer for anticipatory bail, learned Counsel for the State draws our attention to the process of verification of gold ornaments as prescribed in the rules of the State Bank of India. Attention of us is also drawn to some statements wherefrom it reveals that the present petitioner

entered into a conspiracy with some prospective borrowers to facilitate gold loan by depositing spurious gold. At this stage no materials have been placed on behalf of the petitioner to disbelieve and/or discard such evidence as collected in course of investigation.

5. Considering entire circumstances and also considering the gravity of the offence and the nature of crime, we are not inclined to exercise our discretion in favour of the petitioner under Section 438 Cr.P.C.
6. Accordingly, the prayer for the anticipatory bail is rejected.
7. The application being CRM (A) 3373 of 2023 is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

