

11.10.2023
tkm/ct 28
sl no.50

C.R.M. (A) 3919 of 2023

In Re : An application under section 438 of the Code of Criminal Procedure in connection with Kalyani PS case no. 117/2023 dated 11.3.2023 under sections 467/420/406/468/471/379/34 of the IPC
And

In Re : Tanmoy Sen @ Tanmay Sen petitioner

Mr. S Das Mahapatra
Mr. Dipankar Mondal
Mr. A A Mondal

..... for the petitioner

Mr. Avishek Sinha

..... for the State

Md. Sabir Ahmed
Mr. Satyam Mukherjee
Mrs. S Ahmed

..... for the de facto complainant

1. Petitioner submits he is the accountant of the complainant company. He has no role to play with alleged misappropriation by the sales-in-charge who siphoned away money credited to the account of the company. He prays for anticipatory bail.

2. Learned lawyer for the State opposes the prayer for anticipatory bail.

3. Learned lawyer for the de facto complainant submits petitioner is equally culpable in the crime.

4. We have considered materials on record. One Suman Aich is the sales-in-charge of the de facto complainant company which carries on business in sale of second hand vehicles. He misappropriated the money credited by the customers who had purchased the vehicle. Petitioner is the accountant in one of the sale offices. Materials placed before us show moneies siphoned

away by Suman Aich had been credited in the account of the petitioner.

5. In view of the aforesaid circumstances we are of the opinion custodial interrogation of the petitioner for progress of investigation is necessary and this is not a fit case to grant anticipatory bail to the petitioner

6. Accordingly, prayer for anticipatory bail is rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)