

21.09.2023
SL. 3
Court No. 29
Suvayan
(Rejected)

C.R.M. (A) 3985 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Lake** Police Station Case No. **91 of 2023** dated **29.04.2023** under Sections **420/120B** of the IPC.

And

In the matter of: **Pinaki Manna**

....petitioner.

Mr. Moyukh Mukherjee
Mr. Koustav Lal Mukherjee

...for the petitioner.

Mr. Sudip Ghosh
Mr. Koushik Kundu

...for the State.

Mr. Arindam Jana
Ms. Purbali Dutta
Mr. A. Sengupta
Mr. Partha Pratim Sinha

...for the de facto complainant.

1. Heard learned Advocate for the parties at length.
2. The allegation over which the instant case arises is that the present petitioner has sold a particular flat to two different persons concealing the execution of the earlier deed of conveyance and by that way the present petitioner has persuaded the prospective purchaser of the said flat to take home loan from Punjab National Bank as well as from the other banks.
3. It is contended on behalf of the petitioner that though similar such cases are pending as against the present petitioner in respect of the other properties but in one such case he has been enlarged on anticipatory bail and that he has cooperated with the Investigating Officer/Officers. It is further argued that the custodial interrogation of the present petitioner is not at all necessary as the present petitioner is cooperating in the investigation in compliance of notice under Section 41A Cr.P.C. and that the offence as made out in the written

complaint is based on documents.

4. Such prayer has been opposed on behalf of the State as well as by the *de facto* complainant.
5. On perusal of the entire materials as placed before us it reveals to us that there are *prima facie* materials in the C.D. that the present petitioner has sold the self-same flat to two different persons simply by changing the flat number and/or its description though on comparative study of the schedules of the said two deeds it would reveal *prima facie* that the flats involved in the said cases are common and identical.
6. Regard being had to the seriousness of the crime as well as keeping in mind that in the case in hand a huge amount of money has been duped at the instance of the petitioner of a nationalized Bank as well as other non-banking financial institution, we consider that it is a fit case for custodial interrogation of the present petitioner.
7. Accordingly, the prayer for anticipatory bail is considered and rejected.
5. The application being **CRM (A) 3985 of 2023** is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

