

01.03.2023

Sl. No.34
akd
[Rejected]

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C. R. M. (A) 128 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 06.02.2023 in connection with Siliguri Police Station Case No. 23 of 2023 dated 10.01.2023 under Sections 408/417/420/468/471/120B of the Indian Penal Code. (G.R. Case No.106 of 2023)

And

In Re: **Subham Saha Roy**

... .. Petitioner

Mr. Nripen Das
Mr. Debanjan Das

... .. for the petitioner

Mr. Dipankar Dey
Mr. Partha Pratim Sarkar
Mr. Debarshi Dhar

... .. for the de-facto complainant

Mr. Nilay Chakraborty
Mr. Tapan Bhattacharjee

... .. for the State

It is submitted on behalf of the petitioner that the allegations in the FIR are out and out false. Petitioner has deposited a sum of Rs. Five lakhs and is ready and willing to repay the remainder sum of Rs. Three lakhs. In this backdrop, he prays for anticipatory bail.

Learned Advocate for the State as well as the de-facto complainant opposes the prayer for anticipatory bail. It is submitted that the letter purportedly dated 06.01.2023 is an afterthought. The contents are out and out false. On the other hand, it is alleged the petitioner who was an agent of the de-facto complainant had forged and fabricated documents and misappropriated a sum running over Rs. 18 lakhs.

We have considered the materials on record. Petitioner contended there were communications between the parties and he had paid a sum of Rs. Five lakhs. He assured to repay the remainder sum of Rs. Three lakhs. Instead of giving opportunity to do so, FIR was registered. On the first blush, the arguments appear to be attractive but deeper scrutiny of the materials would show that the said letter purportedly dated 06.01.2023 was dispatched on 10.01.2023 i.e. after the registration of FIR. That apart, the contents of the letter have been categorically denied on behalf of the de-facto complainant. Materials collected in course of investigation show fake documents were prepared and money was misappropriated. Hence, custodial interrogation for progress of investigation is necessary and this is not a fit case to grant anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)