

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

**16.08.2023
Court No.1
(AK 46)**

CRM(A) 563 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with Alipurduar Police Station Case No. 187 of 2013 dated 30.04.2013 under Sections 420/406/409/34 of the IPC, 1860.

And

In the matter of: **Sanat Kumar Roy @ Sanat Kr. Roy**
.....**Petitioner.**

Ms. Mousumi Das

... For the Petitioner.

Mr. Sudipto Kumar Mazumdar
Mr. Ajoy Kumar Singhanian
Mr. Sourab Kar
Mr. Saptak Sarkar

... For the CBI.

The petitioner was one of the Directors of the Company Unifying Earth Share Brokers Ltd. which was involved in taking deposits from the public and promising returns at an enhanced rate.

The Company wound up in 2013. The petitioner's case is that the petitioner resigned as a Director from the Company in 2012.

According to learned counsel, the CBI took over the investigation only in 2021 after a delay of seven years from the direction given by the Supreme Court.

We find from the materials disclosed that about 3 crores was taken by the Company from the public after which the company wound up in 2013. The petitioner was admittedly a Director of the Company and one of the signatories of the Bank accounts. The CBI took over the investigation in 2021 but has not been able to trace the petitioner till date.

The petitioner is admittedly absconding.

Considering all the relevant facts on record and the submissions made on behalf of the parties, we are not inclined to allow the prayer for anticipatory bail.

The decision of the Supreme Court shown on behalf of the petitioner in *Aman Preet Singh vs. CBI* reported at (2021) SCC Online SC 941 was on the power of a Magistrate under Section 170 of the CrPC and the procedure to be followed under Section 173 of the CrPC. The reasoning is primarily based on the injustice of a person being free for several years and then being sent to jail merely upon filing of the charge sheet. In the present case, the CBI has taken over the investigation only in December, 2021. This decision does not assist the petitioner in the facts of the present case.

The application for anticipatory bail being CRM(A) 563 of 2023 is accordingly rejected for the above reasons.

(PRASENJIT BISWAS, J.)

(MOUSHUMI BHATTACHARYA, J.)