

21.03.2024
DL-59
Court No.29
(AD)
(Rejected)

C.R.M. (A) 587 of 2024

With

IA No.: CRAN 1 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Goaltore** Police Station Case No. **372 of 2022** dated **23.12.2022** under Sections **420/406/506/120B** of the Indian Penal Code, 1860 (G.R. Case No.1056 of 2022).

And

In the matter of: **Manoranjan Ghosh**

....petitioner.

Mr. Manjeet Singh
Mr. Arnab Neogi
Mr. Soumava Santra

... for the petitioner.

Mr. Tanmoy Kumar Ghosh, Ld. Sr. Government Advocate
Mr. Arup Sarkar

... for the State.

Mr. Amit Ranjan Pati
Ms. Swastika Chowdhury

... for the de facto complainant.

IA No.: CRAN 1 of 2024 is an application for restoration.

For the ends of justice, the causes shown in the application for restoration are accepted as sufficient.

Order of dismissal of the application for anticipatory bail, for default, on February 23, 2024 is recalled.

IA No.: CRAN 1 of 2024 is allowed.

CRM (A) 587 of 2024 is restored to its original file and number.

By consent of the parties, **CRM (A) 587 of 2024** is treated as on day's list and is taken up for consideration.

Learned Advocate appearing for the petitioner submits that the petitioner repaid the entire loan amount taken from the de facto complainant.

Learned Advocate appearing for the de facto complainant

submits that the document of alleged receipt contains the signature which is at variance with the signature of the de facto complainant on the PAN Card.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary.

We perused the PAN Card of the de facto complainant and the signature appearing in the document claimed to be the receipt issued by the de facto complainant.

The signatures of the de facto complainant do not tally *prima facie*.

The fact that the petitioner before us claims that the petitioner refunded the amount taken as loan, *ipso facto*, acknowledges that, the petitioner took a loan from the de facto complainant.

Materials in the case diary suggest requirement of investigation.

Enlarging the petitioner on anticipatory bail will be inimical to such investigation.

Consequently, we are unable to grant anticipatory bail to the petitioner.

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

C.R.M. (A) 587 of 2024 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)