

22.07.2024
Court No.29
Item No. 05
Rejected
ar

CRM (A) 1921 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Narendrapur Police Station Case No. 548 of 2024 dated 03.05.2024 corresponding to G.R Case No. 3220 of 2024 under Sections 420/406/120B of the Indian Penal Code.

In Re: **Sandip Sarkar**

Petitioner

Mr. Firdous Samim
Ms. Gopa Biswas
Ms. Payel Shome

For the Petitioner

Md. Adil Badr
Mr. Ashok Das

For the State

Mr. Jayanta Narayan Chatterjee
Ms. Jayashree Patra
Ms. Pritha Sinha

For the De-facto Complainant

1. We have heard the learned counsel appearing for the parties.
2. Earlier we have directed the petitioner to cooperate with the investigation.
3. The report filed by the Investigating Officer shows that dummy companies have been formed through which huge amounts have been siphoned. It further reveals that one Ashwini Kumar Choubey along with the present petitioner collected huge sums from different cable operators. On 8th March, 2012 one Jitendra Saha has lodged a complaint against Ashwini Kumar Choubey at Deoghar Police Station alleging collection of huge amounts on false promise and producing fictitious documents. In his statement under Section 161 Cr.P.C, Mr. Saha categorically stated that the present petitioner and Ashwini Kumar Choubey have realized **one and half crores** from Sri Saha on the basis of fictitious documents.

4. Mr. Firdous Samim, learned counsel appearing for the petitioner, submits that he is also the victim of such fraud. However, no complaint has been lodged by Sandip Sarkar, the present petitioner. He further submits that in the petition he has disclosed the bank details in which the entire amount has been transferred to the bank account of said Ashwini Kumar Choubey.
5. We have not gone into the merits of the matter. The investigation is still going on. However, there are sufficient incriminating materials found against the petitioner, we are not inclined to grant anticipatory bail to the petitioner.
6. Accordingly, the prayer for anticipatory bail of the petitioner is rejected and the same is accordingly disposed of.
7. The passport, if any, shall be returned to the petitioner.
8. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Uday Kumar , J)