

06.08.2024
SL No.14
Court No.29
(gc)
(Rejected)

CRM (A) 2383 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure corresponding to Section 482 of the BNSS, 2023 filed in connection with Berhampore Police Station Case No.657 of 2024 dated 29.04.2024 under Sections 406/408/418/420 of the Indian Penal Code.

And

In the matter of : **Samar Karmakar**

- Petitioner.

Mr. Soumyajit Das Mahapatra,

Mr. Somnath Adhikary

....For the Petitioner.

Mr. Debashish Roy, Ld. P.P.,

Mr. Karan Bapuli

... For the State.

1. The learned Counsel for the petitioner submits that the petitioner has cooperated with the investigation and there is every possibility that the gold bars and/or ornaments that placed before him at the time of valuation and/or certification have been altered and/or replaced by the Branch Manager at the time when valuation was made in absence of the petitioner and as such the petitioner was unable to controvert such facts.
2. The borrowers are accused and they are absconding.
3. The learned Public Prosecutor in opposing the prayer has submitted that the certification shows that the gold bars/ornaments are genuine which subsequently appeared to be fake. It is submitted that the investigation is at the initial stage and the involvement of the others cannot be ruled out as there are numerous cases registered in the region concerning gold loan.

4. Considering the materials available in the case diary and the nature and extent of complicity of the petitioner in the commission of the alleged offence and as it prima facie appears that the petitioner has certified the gold bar as pure on the basis of which the gold loan was sanctioned, we are not inclined to grant anticipatory bail to the petitioner. The Investigating Officer shall also investigate the involvement of the others including the bank officials as suggested by the learned Public Prosecutor.
5. Accordingly, the application for anticipatory bail is rejected.
6. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)