

06.08.2024
Court No.29
Item No. 78
Rejected
ar

CRM (A) 2698 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with AJC Bose Botanical Garden Police Station Case No. 43 of 2023 dated 10.02.2023 corresponding to G.R Case No. 491 of 2023 under Sections 420/406 of the Indian Penal Code.

And
In Re: **Rahan Hossain**
Petitioner

Mr. Manas Kumar Barman	
Mr. Shamba Chakraborty	For the Petitioner
Mr. Ranadeb Sengupta	
Mr. Rahul Ganguly	For the State

1. The Investigating Officer is present with the case diary.
2. Learned counsel appearing for the petitioner submits that the petitioner is innocent and he has disclosed all documents to the Investigating Officer and he is no way connected with the alleged offence. Since he has refused to give bribe to the I.O an adverse report has been filed by I.O.
3. Mr. Ranadeb Sengupta, learned counsel appearing on behalf of the State, has submitted that the de-facto complainant received phone calls from three unknown mobile numbers for verification and rectification of the Debit Card of the complainant and after sharing such information, the de-facto complainant found that substantial amount has been withdrawn from the Indian Bank, Botanical Garden Branch, Howrah, by certain unknown fraudster. On that basis, a complaint was made. During investigation, it transpired that the amount withdrawn from the Indian Bank Account of the de-facto complainant was parked in joint account of Chanchal and

Arati Goswami, who upon interrogation have disclosed that their mobile number mentioned in the KYC of their Indian Bank Account has been changed to a different mobile number which does not belong to them and on further enquiry it appears that the changed mobile number belongs to the petitioner.

4. The petitioner has admitted that mobile number mentioned by Chanchal and Arati is his mobile number.
5. During investigation, the I.O has collected documents which, prima facie, shows incriminating materials against the petitioner, one of such materials is Aadhaar Card number. There has been a mis-match of Aadhaar Card, as furnished by the petitioner.
6. In view of such incriminating materials in the case diary and that the money has not yet been recovered and the fact that the investigation is still continuing, we are not inclined to grant anticipatory bail to the petitioner.
7. However, having regard to the specific allegation made by the petitioner against the Investigating Officer asking for a bribe and the petitioner has disclosed Whatsapp message exchanged between the petitioner and the I.O, we direct the Police Commissioner, Howrah Police Commissionerate to enquire into the matter and the present investigation shall be conducted by another I.O till the enquiry by the Commissioner is concluded and nothing adverse is found against the present I.O. In the event, the allegation against the I.O is false, suo motu proceeding may be taken against the petitioner. Similarly, the allegation against the I.O if found true, appropriate proceeding shall be initiated against the I.O.
8. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

9. This order shall be communicated to the Police Commissioner, Howrah Police Commissionerate by the learned counsel for the State for information and compliance.
10. 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)