

12.08.2024
Court No.29
Item No. 40

sg

CRM (A) 2753 of 2024

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

And

In Re: **Amit Saha & Ors.**

Petitioners

Mrs. Minoti Gomes
Mr. Amarul Islam
Mr. Sourav Mukherjee

For the Petitioner

Mr. Ranadeb Sengupta
Mr. Pinki Sarkar

For the State

1. The learned Counsel for the petitioners submits that the petitioners are innocent and they have pledged duly certified gold ornaments for obtaining gold loan.
2. The learned counsel for the State in opposing the prayer for anticipatory bail has referred to the order passed by the coordinate Bench whereby the application of the valuer was rejected. It was on the basis of his certificate the loan was sanctioned by the bank.
3. Considering the aforesaid fact and that the investigation is at the initial stage and the documents collected by the investigating officer prima facie corroborated with the allegation made in the FIR and having regard to the fact that the petitioners are defaulted and did not comply with the notice under

Section 41A of the Cr.P.C., we are not inclined to allow the prayer for anticipatory bail.

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

(Soumen Sen, J.)

(Uday Kumar, J.)