

02.09.2024
SL No.38
Court No.29
(gc)
(Rejected)

CRM (A) 3002 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 filed in connection with Beliabera Police Station Case No.41 of 2015 dated 04.07.2015 under Sections 406/409/420/467/120B of the Indian Penal Code (Charge sheet has been submitted under Sections 406/420/467/120B of the I.P.C).

And

In the matter of : **Malati Basuri & Ors.**

- Petitioners.

Mr. Sekhar Basu, Sr. Adv.,
Mr. Pinak Kumar Mitra,
Ms. Subhanwita Ghosh

....For the Petitioner.

Mr. Sanjoy Bardhan,
Ms. Ankita Pal

... For the State.

1. The petitioners claimed to be the bona fide borrowers who have pledged genuine gold ornaments for availing credit facilities.
2. Mr. Sekhar Basu, learned Senior Counsel appearing on behalf of the petitioners submits that Radhashyam Paira who certified gold ornaments as genuine and other bank officials against whom similar charges have been made, are on bail. In view of the fact that investigation is complete and charge-sheet has already been filed, there may not be any requirement for custodial interrogation of the petitioners.
3. The learned Counsel for the State in opposing the prayer for anticipatory bail has submitted that the petitioners, in conspiracy with Radhashyam Paira and some of the employees of the cooperative bank, obtained loan by fraudulent means and

the borrowers were unable to repay the loans, as a result whereof, the bank suffered enormous loss which runs into crores. It is further submitted that a Coordinate Bench on 26th February, 2024 has rejected the prayer for anticipatory bail of the present petitioners along with others by taking into consideration the long absconsion of the petitioners and the materials disclosing involvement of the petitioners in incident of fraud on a financial institution.

4. Considering the materials available in the case diary and having regard to the fact that the petitioners have obtained loan against pledging of gold ornaments duly certified by Radhashyam Paira, *prima facie*, appears to be fake and the bank is unable to realize the defaulted amount which runs into crores, we are not inclined to grant anticipatory bail to the petitioners.
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.)

(Shampa Dutt (Paul), J.)