

10.09.2024
AD-47
Court No.29
TN

CRM (A) 3198 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Shakespeare Sarani Police Station Case No. 223 of 2023 dated 30.12.2023 under Sections 120B/406/408/419/420 of the IPC, 1860.

And

In the matter of: **Moumita Chowdhury**

.... petitioner

Mr. Avik Ghatak,
Mr. Abhinav Rakshit

....for the petitioner

Mr. Amar Dudhwewala,
Mr. Karan Dudhwewala

....for the *de facto* complainant

Ms. Anasuya Sinha, Ld. APP,
Mr. Tirupati Mukherjee

....for the State

1. The learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated. He is not a beneficiary of the amount with which it has been alleged of defalcation and misappropriation. She is not an employee of the complainant-company.
2. The learned counsel for the *de facto* complainant has also opposed the prayer for anticipatory bail.
3. The complainant has alleged that one of its employees Niladri Bhattacharjee has misappropriated a huge sum of Rs. 3.26 crore from the business account of the complainant-company during the period from June, 2021 till 2023 for his wrongful gain. The investigation reveals that the father and brother of

the husband of the present petitioner are the beneficiaries and they are close to Niladri.

4. The prosecution has alleged that the present petitioner has intimate relationship with Niladri and it was through her the entire ill-gotten fund had been distributed to different accounts to persons known to the present petitioner. It is further submitted that the tracing of the money is not yet complete and the investigating agency has not been able to recover the entire defaulted amount.
5. Considering the materials available in the case diary and the nexus *prima facie* is established between Niladri and present petitioner along with other co-accused persons and the economic loss suffered by the complainant is enormous due to such siphoning of funds, we are not inclined to grant anticipatory bail to the petitioner.
6. Accordingly, this application for anticipatory bail is rejected.
7. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Prasenjit Biswas, J.)