

12.09.2024
Court No.29
Item No.35

sg

CRM (A) 3268 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 Arambagh Police Station Case No. 354 of 2024 dated 27.06.2024 under Sections 406/420 of the Indian Penal Code read with Section 3/4 of the E.S. Act.

And

In Re: **Alia Begum**

Petitioner

Mr. Niladri Sekhar Ghosh
Ms. Labani Sikder

For the Petitioner

Mr. Prasun Kumar Dutta
Mr. Manoranjan Mahata

For the State

Mr. Suman Chakraborty

For the defacto complainant

1. The petitioner is a leader of the self help group named as “SHINE”. Admittedly, a sum of Rs.11.20 lakh was disbursed in favour of the said self-help group. Out of which, the Kabley Samabay Krishi Unnayan Samiti has received a sum of Rs.3 lakh approximately.
2. The learned Counsel for the petitioner submits that the entire amount has not been received by Shine as the Manager of the Cooperative Society had made the petitioner and her members to sign on blank papers as a condition precedent for disbursing of a sum of Rs.38,000/- approximately to each of the members of Shine and the Manager has misappropriated the balanced amount. It is submitted that few months before the filing of the present complaint by the Secretary, on an application filed by Shine under Section 156(3) of the Code of Criminal Procedure, the Manager was arrested and this

very Act on the part of the Investigating Agency supports the allegation made by the petitioner against the Manager.

3. However, there is nothing on record to show that the present petitioner or her members have contemporaneously made any complaint to the Society or with the Investigating Agency for coercion or fabrication of documents by the Manager of the Samity and it was only after the Samity asked for repayment of the loan, the present petitioner made allegation against the Manager of the Society.
4. The present petitioner filed a complaint under Section 156(3) of the Code of Criminal Procedure.
5. Prima facie, the collusion between the Manager and the present petitioner cannot be ruled out. Moreover, it involves huge amount meant for self help group and the Society has not been able to recover the balance amount. The beneficiaries have been deprived.
6. In view of the aforesaid, we are not inclined to grant anticipatory bail to the petitioner.
7. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Soumen Sen, J.)

(Prasenjit Biswas, J.)