

03.01.2024

Item No.1

Ct. No. 29

CHC

Rejected

C.R.M.(A) 4214 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Sarsuna** Police Station Case No. **101/2020** dated **01.10.2020** under Sections **420/406/120B** of the Indian Penal Code.

And

In the matter of : Pradepto Mazumder alias Pradipta Majumder
..... petitioner

Mr. Sudipta Maitra, Sr. Advocate
Mr. Ashok Das,
Ms. Hasi Jana,
Mr. Samit Bhanja
....for the petitioner

Mr. Saibal Bapuli, Ld. A.P.P.
Mr. Soumik Ganguli
....for the State

Petition is taken up for consideration subsequent to the order dated October 16, 2023 passed by the co-ordinate Bench.

By such order, the coordinate Bench granted interim anticipatory bail to the petitioner.

It is submitted at the bar that, such order was passed without consulting the materials in the Case Diary and in view of the ensuing Puja Vacation.

Learned advocate appearing for the petitioner submits that, petitioner stands on the same footing as that of Deepra Sarkar who was granted anticipatory bail by an order dated December 23, 2020 passed in C.R.M.10598 of 2020. In support

of his contention, Memorandum of Association of the Company is relied upon.

Clause 59 of the Memorandum of Association of the Company relied upon states that, there are two Directors namely, M. Kabita Banerjee and Mr. Pradipta Majumder. Deepra Sarkar was granted anticipatory bail in CRM 10598 of 2020.

It is submitted on behalf of the State, that Deepra Sarkar was Operational Manager of the Company and not a member of a Board of Directors.

The allegation is of criminal breach of trust and cheating. Petitioner before us is a member of Board of Directors of the legal entity, cover of which was utilized for the purpose of perpetrating the crime.

There are materials in the Case Diary implicating the petitioner in the offences alleged.

In such circumstances, we are unable to extend the interim order of anticipatory bail granted on October 16, 2023 or grant anticipatory bail to the petitioner.

This application for anticipatory bail is, thus, rejected.

CRM(A) 4214 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)