

05.01.2024
03
Ct. No. 29
S.D.

C.R.M.(A) 4342 of 2023

In Re:- In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Phoolbagan** Police Station Case No. **111** of **2023** dated **16.6.2023** under Section 420/406/120B and added Section 467 of the Indian Penal Code.

And

In Re : Mohd. Rashid Anwar @ Mohd. Anwar Rashid
..... petitioner

Mr. Milon Mukherjee, Sr. Adv.,
Mr. Arnab Kumar Neogi
....for the petitioner

Mr. Ranabir Roy Chowdhury
Mr. Sandip Chakraborty
...for the State

Mr. Sandipan Ganguly
Mr. Sourav Chatterjee
Mr. S. Das

Mr. Chiranjit Pal
Mr. Divyansh Singh
...for the defacto-complainat

The application for anticipatory bail is taken up for consideration subsequent to the order dated October 16, 2023 by the Coordinate Bench.

By such order dated October 16, 2023, the petitioner was enlarged on an interim anticipatory bail.

It is submitted at the bar that, the order granting interim anticipatory bail was passed just prior to the ensuing puja vacation without considering the materials in the case diary.

Learned senior advocate appearing for the petitioner submits that, the incident alleged occurred in 2022, whereas his client resigned from the Board of Directors of the company on July 12, 2021.

State and the defacto-complainant are represented.

Learned advocate appearing for the State refers to the materials in the case diary. He submits that, the petitioners availed of Push SMS Services. Those Push SMS Services were utilized for the purpose of defrauding members of the public.

The materials in the case diary suggests that the petitioner was involved with the company at the material point of time. Push SMS Services were availed of. Three invoices were raised on the company and they remained unpaid. The claim on the three invoices aggregate to a sum in excess of Rs.1.90 crores. Moreover, the Push SMS Services were utilized for the purpose of defrauding the members of the public.

The complaint requires investigation.

Enlarging the petitioner on anticipatory bail will be inimical to the investigation.

In such circumstances, we are unable to confirm the order the October 16, 2023 or to grant anticipatory bail to the petitioner.

Accordingly, prayer for anticipatory bail of the petitioner is rejected and the application being CRM (A) 4342 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

