

11.01.2024
Item No.5 & 6
Ct. No. 29
CHC
Rejected

C.R.M.(A) 4412 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Nabadwip** Police Station Case No. **522/2023** dated **13.09.2023** under Sections **420/406/409/34** of the Indian Penal Code, 1860.
And

In the matter of : Avijit Saha
..... petitioner
with

C.R.M.(A) 4505 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Nabadwip** Police Station Case No. **522/2023** dated **13.09.2023** under Sections **420/406/409/34** of the Indian Penal Code, 1860.
And

In the matter of : Vivek Kumar Shaw & anr.
..... petitioners

Mr. Arindam Jana,
Mr. Prasenjit Debnath
....for the petitioners

Mr. Neguive Ahmed, Ld. A.P.P.
Ms. Amita Gaur
....for the State in CRM(A) 4412 of 2023

Mr. Sudip Ghosh, Sr. Govt. Adv.
Mr. Koushik Kundu
....for the State in CRM(A) 4505 of 2023

Mr. Om Narayan Rai
...for the Indian Bank

Two applications are taken up analogously for consideration subsequent to the order dated January 3, 2024.

There subsist orders dated October 16, 2023 in both the matters passed by the coordinate Bench granting ad interim anticipatory bail to the petitioners.

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.

We perused the materials in the Case Diary.

Petitioners, State and the de facto complainant are represented.

Apparently, the petitioners are either employees of a bank or its recovery agents. Apparently, all the petitioners before us were instrumental in withdrawing money from accounts of holders of the bank without their knowledge. A sum in excess of Rs.50 Lakh is presently discovered to be withdrawn at the behest of the petitioners at this stage.

It is the claim of the petitioners that sum in excess of Rs.59 Lakh remains with the bank either by way of freeze or by way of adjustment.

The claim of adjustment may be looked into subsequently.

The offence stood completed at the time of extraction of the amounts from account-holders.

Investigation are yet to be completed.

A case for investigation stands made out.

Enlarging any of the petitioners on anticipatory bail will be inimical to such investigation.

In such circumstances, we are unable to confirm the interim order dated October 16, 2023 or grant anticipatory bail to any of the petitioners.

This application for anticipatory bail is, thus, rejected.

CRM(A) 4412 of 2023 and CRM(A) 4505 of 2023 are disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)