

03.10.2024
SL No.40
Court No.29
(gc)
(Rejected)

CRM (A) 3542 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Ballygunge GRPS GR -135/2023 (Case NO.14 of 2023) dated 01.06.2023 under Sections 170/171/197/198/419/465/466/467/468/469/471/474/120B of the Indian Penal Code.

And

In the matter of : **Marimuthu Parthasarathi @ Parthasarathy**

- Petitioner.

Mr. Kajal Bannerjee,
Mr. Surajit Basu,
Mr. Bikash Chakraborty
....For the Petitioner.

Mr. Joydeep Biswas,
Mr. Arup Sarkar
... For the State.

1. Heard the learned Counsel for the parties.
2. The learned Counsel for the petitioner submits that the petitioner is innocent and the name of the petitioner transpired during investigation by the police authorities which is inadmissible in evidence. Moreover, the charge-sheet has been filed.
3. The learned Counsel for the State has referred to the case diary and the incriminating materials in the case diary to show that he is one of the beneficiaries and there has been active participation of the present petitioner with the other co-accused which, *inter alia*, will reveal from huge transactions between the petitioner and the co-accused persons which include the principal accused, Bikash Pandey. It is submitted that the

anticipatory bail granted to Bikash Pandey and another has been cancelled by the Coordinate Bench on 23rd April, 2024 in CRM (DB) 539 of 2024 and CRM (DB) 565 of 2024 in which the Coordinate Bench has taken into consideration the transaction that had taken place between the arrested accused and the other co-accused persons.

4. Considering the materials available in the case diary, the nature and extent of complicity of the petitioner in the commission of the alleged offence and having regard to the transaction that had taken place between the petitioner and the co-accused which, *prima facie*, shows that on misrepresentation and false promise to give Government job, the petitioner with wrong identity has taken money from various persons, we are not inclined to grant anticipatory bail to the petitioner.
5. Accordingly, the application for anticipatory bail is rejected.
6. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)