

09.01.2024.
25.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 4141 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Pingla P.S. Case No.381 of 2019 dated 13.12.2019 under Sections 420/406/323/379/34 of the Indian Penal Code.

In the matter of : **Shibsankar Das @ Shibu.**

... Petitioner.

Mr. S. Das Mahapatra,
Ms. Madhurai Sinha.

...for the Petitioner.

Mr. Ranabir Roy Chowdhury,
Mr. Mainak Gupta.

...for the State.

1. Petitioner contends he is not an employee of the Bank. He merely assisted customers to open account in the bank. No money was recovered from accounts maintained by him or from his possession. He is in custody for over 130 days. Accordingly, he prays for bail.

2. Learned Advocate for the State opposes the bail prayer. He submits petitioner had entered into a conspiracy with bank officials. Under the ruse of helping innocent customers to obtain loan from the bank, he surreptitiously procured loans of higher amounts against their names and siphoned away the excess amount. Wrongful loss caused by the petitioner is over Rs.95 lakhs.

3. Learned Advocate for de-facto complainant/victim also opposes the bail prayer. He contends petitioner is a powerful person and had absconded for four years.

4. We have considered the materials on record. Allegations against the petitioner disclose an organised criminal activity to defraud the bank. Petitioner abetted bank officials to illegally sanction higher loan amounts purportedly in the names of the customers who had applied for loans. The differential amount was misappropriated by the petitioner by channelising the amount through other depositors.

5. In view of the nature of crime committed by the petitioner and the fact that he had absconded for a protracted period of time, we are of the opinion this is not a fit case to grant bail to the petitioner at this stage.

6. Accordingly, the prayer for bail of petitioner is rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)