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[ALLOWED]

<u>C. R. M. (A) 3718 of 2024</u>

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Thakurpukur Police Station Case No. 98 of 2023 dated 11.04.2023 under Sections 120B/465/467/468/471/420/406 of the Indian Penal Code.

In Re: ***Gargi Sarkar.***

… … Petitioner

Mr. Avik Ghatak,
Ms. Afreen Begum,
Mr. Shashwata Sadhukhan.

… … for the petitioner

Ms. Rituparna De Ghose,
Ms. Suchismita Dutta.

… … for the State

Mr. Pawan Kr. Gupta,
Mr. Shambhu Mahato.

….for the Bank

1. Petitioner submits she had developed the property and had sold a flat to a third party. Coming to know that same flat is claimed to have been sold to one Raja Biswasmnj, she lodged FIR alleging her signatures had been forged in various documents on the strength of which bank had advanced loan to Raja Biswas. She is ready and willing to co-operate with investigation. Accordingly, she prays for anticipatory bail.

2. Learned Advocate for the State opposes the prayer for anticipatory bail. She submits amount sanctioned by the bank was credited to the petitioner's account.

3. Learned Advocate for the bank contends present transaction was within the knowledge and with the consent of the petitioner.

4. We have considered the materials on record. Crux of the allegation involves transfer of a second floor flat in the property which was developed by the petitioner's firm. It is the petitioner's contention that she had not transferred the property to one Raja Biswas but to one Santanu Majumder. Her signatures were forged in the documents which were submitted before the bank and loan got sanctioned. The loan amount was credited to an account which was opened behind the back of the petitioner. She has lodged a criminal case.

5. On the other hand, bank contends the present transaction was with the consent and within the knowledge of the petitioner. This is a previous sale transaction to Raja Biswas in respect of the flat for which loan was sanctioned by the bank. Subsequently, Raja failed to pay the loan.

6. If the bank's contention is accepted that the documents furnished before it for release of loan are genuine and the loanee had failed to pay the said loan, such failure *per se* may not attract the ingredients of the alleged offences. On the other hand, if the documents are forged, it supports the allegations in the FIR by the petitioner that the said transaction was behind her back and the amount was credited in an account which had not been opened by her. Documents pertaining to the transaction are with the bank concerned. Custodial interrogation for obtaining the documents is not necessary.

7. Under such circumstances, we are of the opinion custodial interrogation for progress of investigation is not necessary and petitioner may be granted anticipatory bail.

8. Accordingly, we direct that in the event of arrest, the petitioner viz., ***Gargi Sarkar*** be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under Section 482(2) of BNSS. She shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

9. The application for anticipatory bail is, thus, disposed of.

(Ajay Kumar Gupta, J.) **(Joymalya Bagchi, J.)**