

04.11.2024
tkm/ct 28
sl no.63

C.R.M. (A) 3727 of 2024

In Re : An application under section 438 of the Code of Criminal Procedure corresponding to section 482 of the BNSS 2023 in connection with Technocity PS case no. 44/2024 dated 15.3.2024 under sections 420/467/468/469/471 IPC

And

In Re : Guru Prasanna Sahoo petitioner

Mr. Sandipan Ganguly, Sr. Adv

Mr. R K Mitra

Ms. S Das

Ms. Poulami Bhowmick

..... for the petitioner

Mr. M Sur

Ms. Jonaki Saha

..... for the State

1. Petitioner contends he is the managing director of a firm which had been awarded contract by 'M/s. Hindustan Steelworks Construction Ltd.' (for short 'HSCL'). He had duly executed the work till his contract was improperly terminated which has been challenged in a writ proceeding. His termination was on the ground that he had furnished a forged bank guarantee. The bank guarantee had been obtained through facilitators namely Bikram Mohanty and Soubhik Bhattacharjee and petitioner was unaware that the instrument was a forged one. Accordingly, he prays for anticipatory bail.

2. Learned lawyer for the State opposes the prayer for anticipatory bail. He contends petitioner had knowingly furnished a bank guarantee and thereby pursued the government company to award the contract. His contract was subsequently terminated.

3. We have considered materials on record. Admittedly, petitioner had furnished a forged bank guarantee on the strength on which he was awarded a government contract. The contract has since been terminated. Petitioner's defence is that he had obtained the bank guarantee through third parties and was unaware that the same is a forged one, is difficult for us to believe. Petitioner would be required to provide collateral or other financial security to obtain a bank guarantee. It is absurd to suggest that the petitioner was unaware of the manner and circumstances in which the forged bank guarantee was procured and furnished before the authority concerned.

4. Hence, we are not inclined to grant anticipatory bail to the petitioner.

5. Accordingly, prayer for anticipatory bail is rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)