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As/tkm
[ALLOWED]

<u>C. R. M. (A) 59 of 2025</u>

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Baranagar Police Station Case No. 346 of 2024 dated 25.08.2024 under Sections 318(4)/316(2)/338/336(3)/340(2)/3(5) of the BNS, 2023.

In Re: ***Tapas Bhowmick.***

… … Petitioner

Mr. Milon Mukherjee, Ld. Sr. Adv.,
Mr. Soumya Basu Roy Choudhuri.

… … for the Petitioner

Mrs. Anasuya Sinha, Ld. A.P.P.,
Ms. Debjani Sahu.

… … for the State

1. Petitioner is the Branch Manager of Punjab National Bank. He contends one Goutam Roy, special assistant was responsible for RTGS transfer of a cheque of Rs.50 lakhs to the account of one Md. Rahil instead of B. D. Enterprises, the payee of the cheque. Coming to know of these facts he reported the matter to police. He also intimated Axis bank to freeze the account of Md. Rahil where the amount was transferred. Investigation is based on documents and custodial interrogation is not necessary. Accordingly, he prays for anticipatory bail.

2. Learned Additional Public Prosecutor opposes the prayer. She submits petitioner is the branch manager and had admitted he had passed the cheque for RTGS transfer to SBI account no.39930892028. The cheque leaf shows account number had been altered from 42198518773 to 39930892028. Without enquiry he had passed the cheque for RTGS transfer. Though

the fraud was reported on 22.8.2024, he lodged complaint on 27.8.2024 and in the meantime the entire money had been siphoned away.

3. We have considered the materials on record. Petitioner is not primary responsible for RTGS clearance which had been entrusted to one Goutam Roy, special assistant. However, he admits he had passed the suspect cheque for RTGS clearance as bank manager. Suspect cheque shows alteration with regard to account number of the payee. Petitioner contends he was unaware of the number of the payee's account and had relied on the impression given to him by Goutam Roy that the same was an innocent error. Whether the failure of the petitioner was one of negligent oversight or conscious participation in the crime is a matter to be gone into at the appropriate stage of the proceeding. He reported the matter on 27.8.2024 as he contends 23.8.2024/24.8.2024 were bank holidays.

4. It is relevant to note though complainant came to know of the fraud on 22nd August, FIR was lodged on 25.8.2024. Be that as it may, the investigation revolves around documents which are in the custody of police. Nothing is placed on record to show that the money had been routed through the petitioner's account or had wrongfully gained from the transaction.

5. Under such circumstances, we are inclined to grant anticipatory bail to the petitioner, however, subject to conditions.

6. Accordingly, we direct that in the event of arrest, the petitioner viz., ***Tapas Bhowmick*** 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 the BNSS and on further condition petitioner while on bail shall meet the Investigating Officer once in a week until further orders. He shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

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

(Gaurang Kanth, J.) **(Joymalya Bagchi, J.)**