04.03.2025
Sl. No.10
akd
[ALLOWED]

C. R. M. (A) 674 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 17.02.2025 in connection with Kotwali Police Station Case No.496 of 2024 dated 19.12.2024 under Sections 316(2)/318(4)/351(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023. (G.R. Case No.3461 of 2024)

And

In Re: ***Prakash Bag***

… … Petitioner

Mr. Soumya Nag
Mr. Aditya Tiwari
Mr. Rajdeep Sengupta

… … for the petitioner

Mr. Dipanjan Dutt

… … for the de-facto complainant

Mr. Debasish Roy .. ld. Public Prosecutor
Mr. Anand Kesari
Mr. Saptarshi Chakraborty

… … for the State

1. It is submitted on behalf of the petitioner that he had no role to play in the financial transaction involving the de-facto complainant and one Sanjay Pan. In the FIR, de-facto complainant had alleged that the loan purportedly advanced in his wife's name had been fraudulently transferred to Sanjay Pan's account and thereafter siphoned away through the account of one Abhijit Majumder. No money trail to the petitioner's account has been revealed. Accordingly, he prays for anticipatory bail.

2. Learned Public Prosecutor opposes the prayer for anticipatory bail and submits petitioner has criminal antecedents of similar nature. He has been implicated in cases of cheating in 2022 as well as in 2025.

3. Learned Advocate for the de-facto complainant also opposes the prayer for anticipatory bail. He submits petitioner is the principal player

in the conspiracy. He had posed as a financial consultant and induced his client to take a loan which was fraudulently transferred to the account of Sanjay Pan. He utilized the money to square off his liabilities with one Abhijit Majumder.

4. We have considered the materials on record. In December, 2023, a loan had been advanced to de-facto complainant's wife. The loan was credited to her account. The amount was transferred to one Sanjay Pan's account and thereafter to the account of Abhijit Majumder. Movement of the money was through bank transfers. Though de-facto complainant contends the transfers were fraudulent, nothing is placed on record to show petitioner had colluded with bank officials to make fraudulent bank transfers. That apart, no money trail to the account of the petitioner is also traceable. Money in the account of Abhijit Majumder has been frozen. The other cases pending against the petitioner, though involving cheating, do not relate to the same parties or partake the same *modus operandi* as alleged in the FIR. They are independent events in respect of which it is open to the Investigating Agency to take appropriate steps against the petitioner in accordance with law.

5. Keeping in mind the aforesaid facts, we are of the opinion custodial interrogation of the petitioner is not necessary and he may be granted anticipatory bail however, subject to strict conditions.

6. Accordingly, we direct in the event of arrest, the accused/petitioner, namely, ***Prakash Bag,*** be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), 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 Bharatiya Nagarik Suraksha Sanhita, 2023 and on further condition that the petitioner 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.)**