

07.03.2025

5
sdas
Allowed

C.R.M. (A) No. 711 of 2025

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Lake Town Police Station Case No. 47 of 2023 dated 23.03.2023 under Sections 406/120B of the Indian Penal Code.

And

In Re : Ritanjal Ghosh & Anr. petitioners

Mr. Ayan Bhattacharjee, Sr. Adv.

Mr. Antarikhya Basu

Mr. Sayan Mukherjee

Ms. Ritu Das

.....for the petitioners

Mrs. Amita Gaur

Mr. Aritra Bhattacharya

....for the State

Mr. Pronojit Roy

.... for de facto complainant

1. Learned Counsel for the petitioners submits they are the senior Branch Manager and Deputy Manager/Officer of Punjab National Bank, Kamarhati Bazar Branch, Kamarhati, Kolkata. *De facto* complainant had a locker in the said branch. Petitioners contend *de facto* complainant had brought a wrong key which did not open the locker. Thereafter the locker was opened with the help of technicians and the *de facto* complainant complained gold ornaments kept in the locker had been stolen. Petitioners did not have dominion or custody over the locker in question. Accordingly they pray for anticipatory bail.

2. Learned Counsel for the State opposes the prayer for anticipatory bail.

3. Learned Counsel for the *de facto* complainant submits gold ornaments worth Rs.25,00,000/- were kept in the locker. Petitioners' case that he had brought a wrong key is patently absurd. He does not possess any other locker in the branch.

4. We have considered the materials on record. *De facto* complainant had a locker in the bank. Locker could be operated by two keys. One of the keys was kept with the bank and the other key was kept with the *de facto* complainant. When *de facto* complainant tried to open the locker he could not do so. A technician was brought and the locker was opened. *De facto* complainant alleged gold ornaments had been stolen. When a locker is sealed with a lock which can be operated by keys kept with the bank and the *de facto* complainant jointly it cannot not be said that the bank or its officers had exclusive custody or dominion over the contents of the locker. Ingredients of the offence of criminal breach of trust would not be satisfied. That apart, report submitted on behalf of company manufacturing the lock shows that the lock had not been tampered with. This supports the petitioners' inference that the *de facto* complainant may have mistakenly or otherwise brought a different key by which locker could not be opened. Under such circumstances we are of the opinion custodial

interrogation of the petitioners is not necessary and they may be granted anticipatory bail.

5. Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each, 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 and on further condition that they shall meet the investigating officer once in a week until further orders. They shall appear before the jurisdictional court and pray for regular bail within a period of four weeks from date.

6. The application for anticipatory bail is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)