

05.03.2025
Sl. No.15
akd
[Rejected]

C. R. M. (A) 771 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 26.02.2025 in connection with Tamluk Police Station Case No.649 of 2023 dated 14.06.2023 under Sections 406/420/467/468/471/472/473/341/323/354B/506/34 of the Indian Penal Code and Sections 3(1)(r)/3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

And

In Re: ***Dipankar Maity***

... .. Petitioner

Mr. Mukteswar Maity
Ms. Nupur Chaudhuri

... .. for the petitioner

Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor
Ms. Sanjana Saha

... .. for the State

1. Petitioner renews his prayer for anticipatory bail.
2. It is submitted on behalf of the petitioner that he has cooperated during investigation and charge sheet has been filed. De-facto complainant has instituted proceeding for dishonour of cheque and the present case was instituted to coerce him to make payments. In another case, the Hon'ble Apex Court in Special Leave to Appeal (Crl.) No. 411 of 2025 has protected him from arrest.
3. Learned Advocate for the State opposes the prayer for anticipatory bail and submits petitioner is the Promoter-cum-Director of '*M/s. Smart Choice*', a firm indulged in fraudulent activities and induced innocent persons to deposit money. Thereafter the monies were siphoned away and misappropriated.
4. We have considered the materials on record. Allegations in the FIR cannot be seen in isolation. Petitioner is the principal player and as the Promoter-cum-Director of '*M/s. Smart Choice*' induced innumerable

persons to part with money on the false promise of high return. The money was diverted and misappropriated. Noticing the nature and ambit of the financial fraud impacting numerous persons including the de-facto complainant, this court was not inclined to grant the petitioner pre-arrest bail. However, his wife was granted relief.

5. Submission of charge sheet against the petitioner crystallizes the accusation against him and does not justify revisiting the prayer for pre-arrest bail. Factual matrix of the case seen in the backdrop of similar activities carried out by the petitioner distinguishes the present case from the one where the Hon'ble Apex Court has protected his liberty.

6. In such view of the matter, we are not inclined to reconsider the prayer for anticipatory bail of the petitioner.

7. Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)