

Item No.12

Ct.No.34

rc.

Allowed

C.R.M. (R) 17 of 2025

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Serampore Police Station Case No. 299 of 2021 dated 12.08.2021 under Sections 409/419/420/468/471/120B of the Indian Penal Code.

And

In Re : **Basabaditya Ganguly** ... Petitioner

Mr. Ayan Bhattacharjee
Mr. Arnab Sinha
Mr. Soumya Datta
Mr. Amartya Basu
Ms. S. Baishya ... for the Petitioner

Mr. Rudradipta Nandy
Mr. Aritra Bhattacharjee ... For the State

Heard learned counsels for the parties.

The petitioner is in custody for 300 days and prays for bail.

Learned counsel for the petitioner submits that sixteen borrowers took express credit loan from the bank where the petitioner was the manager at the relevant time. Loans were granted without verification of the collaterals submitted by the borrowers. The borrowers failed to return the loan amount and it was subsequently detected that the loan was taken on the basis of manufactured and fraudulent documents. Learned counsel submits that the petitioner was the whistle blower who raised alarm on March 22, 2021 by

issuing letter to the field officer, Seoraphuli Branch instructing verification of the relevant loan documents. In course of investigation, one of the borrowers was arrested and thereafter the field officer, Ratna Biswas. The petitioner's name transpired from the statement of Ratna Biswas. He is in custody since then.

Opposing the prayer learned counsel for the State takes this Court to the penalty order passed by the bank in a departmental proceedings initiated against the petitioner. Eight charges were framed against the petitioner and minor penalty was imposed upon him.

I have considered the material on record.

It appears that primary charge against the petitioner is lack of diligence and irregularity in sanctioning loan to the sixteen borrowers. The petitioner is not the beneficiary to the amount taken as loan or any portion thereof. Charge sheet has been submitted. Considering the material on record, particularly the extent of complicity of the petitioner in the alleged offence, this Court is of the view that further detention of the petitioner is not required. He may be released on bail.

Accordingly, prayer for bail of the petitioner is allowed.

The petitioner **Basabaditya Ganguly** be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Serampore, Hooghly subject to

condition that he shall appear before the learned trial Court on every date of hearing. He shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with any of the conditions as mentioned above without justifiable cause, the learned trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

It is made clear that the observation made in the order is only for the limited purpose of consideration of the bail application of the petitioner and shall have no bearing on the merits of the case.

The application for bail is, thus, disposed of.

Case Diary be returned.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)