19.11.2025
15
rc/jb.
jdt.
Allowed

C.R.M. (A) 2869 of 2025

In Re : An Application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Durgachak Police Station Case No. 122 of 2025 dated June 25, 2025 under Sections 316(2)/318(4)of the BNS, 2023.

And

In the matter of : R. Lakshmi Narayanan & Anr. …. petitioners

Mr. Sekhar Basu, Sr. Advocate
Mr. Ayan Bhattacharjee, Sr. Advocate
Mr. Arnab Das
Mr. Zohaib Rauf
Mr. R. Ansari … For the petitioners

Mr. Debasish Roy
Mr. Aniket Mitra
Mr. Debanshu Ghorai … For the State

Learned senior counsel appearing on behalf of the petitioners submits as follows. It is alleged that someone masquerading as the M.D. of a particular company called up the C.O.O. and asked him to transfer an amount to a particular account. A sum of Rs. 1.98 crores and odd was transferred. Subsequently, pursuant to an order passed by the learned Magistrate, Rs. 1.31 crores was remitted back. The present petitioners were not named in the FIR. They are the Manager and the Senior Manager of the bank at Domlur Branch, Bengaluru. They have nothing to do with the alleged transaction or inducement. It is learnt that using the same account certain other fraudulent acts were also committed. All the formalities were complied with for opening of the bank account. Reliance is placed on the photograph with

GIO tagging showing that the place was photographed for opening of the account on 18.03.2025. Incidentally, the principal accused has been granted statutory bail as charge sheet could not be submitted in time. Two other co-accused were also granted bail. In fact, the defacto complainant had earlier thanked the bank officials for arranging for part payment of the defalcated amount.

Learned Public Prosecutor representing the State strenuously opposes the prayer for anticipatory bail. He submits that the petitioners are the ones who actually know about the identity of the holder of the account where the money went. Due procedure was not followed while opening the account. From the phone seized from the bank officials, a photograph of the office of the company is available for a date in July, 2025. But no photograph is available for the month of March, 2025. However, the mobile phone has been sent to a forensic expert for retrieving the data. Using the same account several offences were committed and cases are pending in different states in this regard.

Considering the materials available in the case diary and the alleged roles ascribed to the present petitioners, the fact that the principal accused is at present on statutory bail and two other co-accused were granted bail and also the fact that the petitioners' mobile phone with which photographs were purportedly taken regarding opening of the bank account in question was sent to forensic expert, I do not think that custodial interrogation of the petitioners is required and I am inclined to grant anticipatory bail to the petitioners.

In the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/-(rupees ten thousand) each with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the BNSS, 2023 and on the further conditions that the petitioners shall cooperate with the investigation, shall meet the investigating officer as and when required and shall not threaten or intimidate witnesses.

The application for anticipatory bail is, thus, allowed.

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

(Jay Sengupta, J.)