

09.01.2025

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Rejected

C.R.M. (A) No. 4619 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Haringhata Police Station Case No. 619 of 2024 dated 22.11.2024 under Sections 419/420/467/468/471/474/120B/506 of the Indian Penal Code.

And

In Re : Santanu Mondal petitioner

Mr. Sourav Chatterjee, Sr. Adv.

Mr. Mrityunjoy Chatterjee

Mr. Dipanjan Dutta

Mr. Debapria Majumder

.....for the petitioner

Mr. Joydeep Roy

Mr. Nirupam Dhali

..... for the State

Mr. Shibaji Kumar Das

Mr. Dipendu Sarkar

Ms. Deblina De

..... for de facto complainant

1. Learned senior advocate for the petitioner submits he was working as ASI of police in STF, West Bengal. It is also submitted he had a decorated track record. This created jealousy and he has been falsely implicated on the allegation he extorted money by abusing his official position. In a trumped up charge he was dismissed from service. FIR has been belatedly lodged alleging he has summoned one Mosiar Mullick to the office and extorted money. Mosiar is his source and the

allegation of extortion is out and out false. Accordingly, he prays for anticipatory bail.

2. Learned advocates for the State and *de facto* complainant oppose the prayer for anticipatory bail. They contend petitioner had abused his official position and demanded money from an accused namely, Jamal by issuing a purported notice in the name of his superior, Baidurya Ghosh. Disciplinary proceeding was initiated against him and he has been dismissed from service. Mobile phone which was used in the said operation is the same mobile phone which was used to call Mosiar to the said police station and extort money. A voice recording of the petitioner has also been collected during investigation. His custodial interrogation for progress of investigation is necessary.

3. We have considered the materials on record. Petitioner is alleged to have indulged in similar acts of extortion from various individuals. One Baidurya Ghosh, his superior, lodged complaint alleging that petitioner has forged his signature and summoned one Jamal to the police station. Petitioner extorted money from him. On this score disciplinary proceeding was initiated and he was dismissed from service. Mr. Chatterjee submits Jamal in his statement claimed he had met Baidurya Ghosh who asked the latter to meet the petitioner. According to him this statement is exonerative. We are unable to subscribe to this view. Jamal's statement requires to be assessed in the backdrop of other materials on record. Jamal

met Baidurya Ghosh at the police station and noticing the summons which appears to have been issued by the petitioner he referred him to the petitioner. This does not exonerate the petitioner as contended. On the other hand, mobile phone used to summon Jamal is the same device which was used by the petitioner to call Mosiar and extort money. Voice recording of the caller has been seized during investigation.

4. In light of the aforesaid incriminating materials we are of the view there are sufficient and cogent materials implicating the petitioner in the crime and he cannot be said to be a victim of malice. Accordingly, we are not inclined to grant anticipatory bail to the petitioner.

5. Accordingly, prayer for anticipatory bail is rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)