

In the Matter of : an Application for Bail Under Section 439 of the Code of Criminal Procedure Filed on 15th May, 2012 in Connection with Shakespeare Sarani Police Station Case No.169 of 2011 Dated 22.6.2011 Under Section 420/408/406/418/120b of the I.P.C.. Vs. in the Matter Of: Subhrangshu Ghosh.

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Court : Kolkata

Decided On : May-16-2012

Judge : Kanchan Chakraborty

Appeal No. : C.R.M. 8228 of 2012

Appellant : In the Matter of : an Application for Bail Under Section 439 of the Code of Criminal Procedure Filed on 15th May, 2012 in Connection with Shakespeare Sarani Police Station Case No.169 of 2011 Dated 22.6.2011 Under Section 420/408/406/418/120b of the I.P.C

Respondent : In the Matter Of: Subhrangshu Ghosh.

Judgement :

This application for bail under Section 439 of the Cr. P. C. has been taken out by Subhrangshu Ghosh, who has been arrested in connection with Shakespeare Sarani P.S. case No.169 of 2011 dated 22.6.2011 under Section 420/408/406/418/120B of the I.P.C.

Mr. Mukherjee, learned Counsel appearing on behalf of the petitioner submits that a bare reading of the F.I.R. discloses that all the allegations and aspersions are directed only against the accused no.1 who has been granted bail on the ground of skin cancer. He submits further that this accused has no direct connection with the alleged offence. He also submits that a proceeding under Section 138 of the N. I. Act has also been initiated against the petitioner by the defacto complainant on the self-same cheque. Considering the facts above and from the fact that the petitioner is in custody since 17.4.2012, he should be granted bail.

Mr. Ghosh, learned Counsel appearing on behalf of the State of West Bengal/opposite party vehemently opposes the prayer for bail. He takes this Court to the case diary and the materials therein which shows that the accused nos.1 and 2 collectively and in connivance with each other caused loss Rs.36,72,817/- to the defacto complainant company. There are materials enough in the C.D. suggesting that this petitioner was involved in the matter from the very beginning.

Perused the C.D. and the materials therein.

This petitioner was arrested on 17.4.2012. Since then not a single penny could be recovered out of Rs.36,72,817/-. The accused no.1 has been granted bail. If this accused is also granted bail, there will be much inconvenience in further investigation into the matter. The possibility of evidence be tampered with also cannot be ruled out. It is submitted that the investigation is in progress and within a short span of time charge sheet would be filed with the leave of the Court.

Mr. Ganguly, learned Counsel appearing on behalf of the complainant submits that this accused should not be granted bail, otherwise the entire amount will be vanished in connivance with the accused No.1.

There are materials in abundance in the C.D. suggesting directing involvement of this accused to the alleged crime. The accused no.1 was granted bail on humanitarian ground. This accused is not standing on the same footing. Huge amount of money is involved. So, this accused cannot be released on bail at this stage.

Accordingly, the prayer for bail is rejected.

The application for bail being C.R.M.8228 of 2012 is disposed of. C.D. be returned.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates of the parties upon compliance of necessary formalities.

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