

24.01.2020
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Sdas & PA
rejected

C.R.M. 825 of 2020

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 21.01.2020 in connection with Hare Police Station Case No. 05 of 2020 dated 02.01.2020 under Sections 120B/420/468/471/474/506/467 of the Indian Penal Code.

And

In Re : Bhupendra Pratap Singh @ Reyansh Pratap Singh & Ors.
..... petitioners

Mr. Sandipan Ganguly, Sr. Adv.
Mr. Subhasish Dasgupta
Mr. Anurag Sardar
Mr. Samarjit Ghosal

... for the petitioners

Mr. S. G. Mukherjee, learned P.P.
Mr. Rudradipta Nandy
Mr. Apurba Kumar Datta

... for the State

Petitioners are before us seeking pre-arrest bail in the present case which was registered at the behest of one Rajiv Roy alleging that the petitioner no. 1 had impersonated himself as founder of M/s. Bharat Techno Private Limited, on the strength of forged and fabricated documents. It is further contended in the F.I.R. that the petitioner no. 1 along with others proposed a commercial arrangement with the defacto complainant through one Sacchidananda Misra and had induced him to part with money on false representation of marketing of robotics for commercial purposes. Subsequently, the defacto complainant realized that no such company existed and the petitioners had fraudulently cheated him of the aforesaid sum of money.

Referring to the allegations in the F.I.R. learned senior Counsel appearing for the petitioners submits that the dispute at its height relates to breach of a commercial arrangement and the allegation of forging and/or fabricating documents are vague and non-specific. Accordingly he prays for pre-arrest bail.

Learned Public Prosecutor opposes the prayer for anticipatory bail. He submits progress of investigation has revealed a more sinister conspiracy amongst the petitioners to impersonate themselves as successful businessmen before the defacto complainant and utilise his political connection to gain access to various politicians in the State in order to blackmail them on the lure of money and women. He refers to the statement of the Sacchidannanda Misra who claimed that the petitioners had sent an unknown lady into his hotel room who made sexual advances.

We have considered the materials on record. Materials collected during investigation in the present case disclose a much more serious offence than what is portrayed in the F.I.R. Materials on record disclose a deep rooted conspiracy to extort politicians by luring them with women and money. It has been contended on behalf of the petitioners that the offences of conspiracy and extortion have not been added to F.I.R. When an ongoing investigation gives rise to graver offences it is open to the investigating agency to add such graver offences at the appropriate stage of the proceeding. However, in the light of sufficient incriminating materials on record disclosing such offences, we are not inclined to restrict our attention only to the allegations in the F.I.R. which needless to mention is merely the

tip of a much bigger crime. Learned senior Counsel contended that the petitioners were at their height seeking to undertake a bona fide sting operation to unravel corruption. Indulging in 'sting operation' purportedly in public interest does not immunize an individual from criminal liability ***Rajat Prasad Vs. CBI, (2014) 6 SCC 495***, more so, when materials collected in the course of investigation show the activities of the petitioners do not appear to be so altruistic as contended but portends of blackmail and extortion.

In the light of the aforesaid discussion particularly considering the gravity of the offence and the necessity of custodial interrogation of the petitioners for unraveling the ramifications of a serious conspiracy as the present one, we are not inclined to accede to their prayer for anticipatory bail.

Accordingly, prayer for anticipatory bail is rejected.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)