

ADDL 7.
December 2, 2020.
SG

CRM 8507 of 2020

In Re. An application for bail under Section 438 of the Code of Criminal Procedure in connection with Magrahat Police Station Case No.348 of 2020 dated 23.09.2020 under Sections 420/468/471/511/34 of the Indian Penal Code.

*In the matter of: Ranjit De @ Ranjit Kumar De
...petitioner.*

Mr Soumyajit Das Mahapatra
Mr Dhananjay Banerjee
... for the petitioner.

Mr Swapan Banerjee
Ms Purnima Ghosh
... for the State.

The petitioner undertakes to affirm and stamp the petition as per the Rules within 48 hours of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

This appears to be a case of harassment or extortion by the investigating officer and immediate appropriate disciplinary measures must be instituted against possible unruly conduct. It is more important to proceed against uniformed criminals before other criminal activity is checked.

Three persons apparently carried a forged cheque to be deposited in a bank. One of the bank officials suspected that the cheque may be forged and fake. The three decamped and one or more of them were later arrested. One of the arrested persons claimed that the present petitioner, a retired taxman, had introduced such person to a retired bank manager by the name of Goutam Bhar. The petitioner allegedly introduced

Goutam Bhar to the relevant person since the relevant person was associated with a charitable organisation that required donations and Goutam Bhar as an erstwhile bank official would be aware of possible donors.

The relevant statement then proceeds to suggest that Goutam Bhar introduced one Samir Babu, an erstwhile public prosecutor somewhere, to the maker of the statement and it was such Samir Babu, one Biswajit and the maker of the statement who were involved in carrying a forged or fabricated cheque to a bank to ensure its deposit.

In such chain of events, there does not appear to be any role of the present petitioner or even of Goutam Bhar. In the case records running into more than 100 pages the investigating officer can point out this as the sole reference to the petitioner herein which prompted the investigating officer to issue a notice to the petitioner under Section 41A of the Code of Criminal Procedure.

It is difficult to imagine that any wrongdoing had been attributed to the petitioner in the relevant statement and, in any event, it is difficult to accept that merely because the petitioner introduced a person to the maker of the statement who, introduced a third person to the maker of the statement and such third person along with the maker of the statement hatched a conspiracy, that the petitioner may be seen to be involved in such conspiracy. Prima facie, the notice that was issued to the petitioner appears to have been for extraneous considerations and, possibly, for the known police proclivity to extort money by needlessly entangling citizens in criminal cases.

Pursuant to the order dated November 25, 2020, the investigating officer is present in court. The Director General

of Police will cause an appropriate inquiry to be instituted and, if necessary, disciplinary proceedings to be initiated against this investigating officer upon looking into his past conduct for any similar feats.

As far as the petitioner concerned, since the State says that there is no material to proceed against the petitioner in the present case, the question of passing any order does not arise. It is needless to say that the petitioner can no longer be disturbed in connection with the present case in any manner whatsoever.

CRM 8507 of 2020 stands disposed of.

(Sanjib Banerjee, J.)

(Aniruddha Roy, J.)