

**IN THE HIGH COURT OF SIKKIM
CRIMINAL JURISDICTION**

Bail Appln. No.

09

OF

2016

Anjan Biswas,
S/o Amalendu Biswas,
R/o 526A/3 Ashokenagar,
P.O. Ashoknagar,
Dt. North 24 Paraganas,
West Bengal.

----- Petitioner.

-VERSUS-

State of Sikkim.

----- Respondent.

PETITIONER

ADVOCATE (S)

FOR ----- Mr. A. Moulik, Sr. Advocate with K. D. Bhutia, and
Mr. Ranjit Prasad.

RESPONDENT

ADVOCATE (S)

FOR ----- Mr. J. B. Pradhan, Public Prosecutor, Mr. Karma
Thinlay, Addl. Public Prosecutor, Mr. S. K. Chettri,
Asstt. Public Prosecutor and Ms. Pollin Rai, Asstt.
Public Prosecutor.

Bail Appln. No. 09/2016
Anjan Biswas vs. State of Sikkim

BEFORE
MR. JUSTICE SATISH K. AGNIHOTRI, CJ.

03. 23.11.16 Present: Mr. A. Moulik, Sr. Advocate with Ms. Kessang Diki Bhutia and Mr. Ranjit Prasad, Advocates for the Petitioner.

Mr. J.B. Pradhan, Public Prosecutor with Mr. Karma Thinlay, Addl. Public Prosecutor, Mr. S.K. Chettri and Ms. Pollin Rai, Asstt. Public Prosecutors for the State.

Ms. Elimith Lepcha, IO of RC-08/2016 and Mr. Motilal Pradhan, IO of RC-06/2015.

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The case, as projected by the petitioner, is that the petitioner was working as Special Assistant in Central Bank of India, Ranipool Branch. One Sajan Kumar Agarwal and Anand Agarwal, Government contractors, had obtained false Bank Guarantees for a sum of Rs.2.65 crores and Rs.2.90 crores respectively from the Central Bank of India, Ranipool Branch in favour of the Secretary, Irrigation Department, Government of Sikkim and obtained the contract on the basis of the said false Bank Guarantees. It is submitted that both the accused were arrested on the basis of FIR lodged on 06.06.2015 as well as on 09.05.2016 respectively and were released on bail thereafter. Learned Senior Counsel further submits that the petitioner has no role in issuance of said Bank Guarantees as the Ranipool Branch itself has no competence to issue Bank Guarantee.

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During pendency of the instant petition, the Investigating Officers have interrogated/examined the petitioner on various dates i.e. on 03rd and 4th November, 2016 and subsequently on 16th and 17th November, 2016.

Mr. J.B. Pradhan, learned Public Prosecutor, submits that in the course of examination the conduct of the petitioner was not cooperative and did not reply to certain specific queries, thus, further examination/investigation is required. It is further submitted that the petitioner may not be arrested at this stage, however, a direction be issued to the petitioner to cooperate with the investigation/ examination, as and when required.

Mr. A. Moulik, learned Senior Counsel appearing for the petitioner, fairly submits that the petitioner will make himself available for interrogation and will cooperate with the Investigating Officers, as and when noticed in writing.

Having examined all aspects of the matter, keeping in view the aforestated submissions put forth by the learned counsel, I am of the view that no further order is necessary in the matter. However, the petitioner is directed to make himself available before the Investigating Officers on the date and time as notified and informed. It is further required that the petitioner shall cooperate with the Investigating Officers in the examination. The

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petitioner shall not be permitted to leave the station
without informing the Investigating Officers.

With the aforestated observations and directions, the
petition stands disposed of.

Chief Justice
23.11.2016

jk/to Index : ~~Yes~~ / No
 Internet : Yes / ~~No~~