

15.09.2020.
24.
as
(Allowed).

C.R.M. 5720 of 2020
With
C.R.A.N.1 of 2020
(Old CRAN No.4100 of 2020)
(Via Video Conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Siliguri P. S. Case No.879 of 2020 dated 17.07.2020 under Sections 406/420/468/476/120B of the Indian Penal Code.

In the matter of : Smt. Baishali Biswas Dam.

... Petitioner.

Mr. Jayanta Narayan Chatterjee,
Mr. Apalak Basu,
Mr. Nazir Ahmed.

...for the Petitioner.

Mr. Aditi Sankar Chakraborty,
Mr. Ujjal Luksom.

.....for the State.

Mr. Jayanta Samanta.

..for the de-facto complainant.

Heard the learned Advocates appearing for the parties.

Petitioner undertakes to affirm and stamp the petition/application as per Rules within a month of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

Accordingly, the application, being CRAN 1 of 2020 (Old CRAN No.4100 of 2020), is disposed of.

Mr. Chatterjee, learned Advocate appearing for the petitioner submits that his client has deposited necessary documents as sought for by the investigating agency.

Learned Advocate appearing for the de-facto complainant submits that his client was illegally ousted from the management of the company.

Learned Advocate appearing for the State opposes the prayer for anticipatory bail.

We have considered the materials on record. Crux of the dispute relates to control and management of the affairs of the company. Proceedings are pending before the National Company Law Tribunal (NCLT). Petitioner appears to have co-operated with the investigation and handed over documents.

In view of such facts, we are of the opinion custodial interrogation of the petitioner for progress of investigation may not be necessary and he may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest the petitioner, viz., Smt. Baishali Biswas Dam shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that she shall meet the investigating officer once in a week until further order.

This application for anticipatory bail is, thus, disposed of.

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this Court.

(Suvra Ghosh,J.)

(Joymalya Bagchi, J.)

