

18.09.2020

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CRM No. 6061 of 2020

(Via video conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Baguiati Police Station Case No. 242 of 2020 dated 26.07.2020 registered for investigation into offences punishable under Sections 420/406/34 of the Indian Penal Code.

And

In the matter of : Navneet Chitlangia & Ors.

... Petitioners

Mr. Sourav Chatterjee

.. for the petitioners

Mr. Rana Mukherjee

Ms. Sujata Das

..for the State

The petitioners undertake 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.

The petitioners claim that a completely unfounded case has been brought against the petitioners by the *de facto* complainants, who are in default in paying the rent or occupation charges to their lessors or licensors. According to the petitioners, the petitioners are in control of a company which purchased two commercial spaces in a building in Rajarhat and entered into

agreements with companies by the names of Rajata and Techtronic for selling such commercial spaces to the said two companies. However, such transactions have not yet been completed though possession was made over to the said two companies.

The petitioners further assert that Rajata and Techtronic, in turn, let out the spaces to concerns controlled by the *de facto* complainants and such concerns have not paid the outstanding rents or occupation charges or licence fees for several months. Upon Rajata and Techtronic, as lessor or licensor, issuing notice to the *de facto* complainants or the relevant concerns, the complaint was lodged under Section 156(3) of the Code making allegations against the present petitioners and their companies though the lessors or licensees have no direct relationship with the present petitioners or these petitioners' companies.

The State says that the allegations range from huge payments being made and expenses being incurred on account of interior decorations of the two commercial spaces.

Whatever may be the charges, the custodial interrogation of the petitioners may not be necessary as long as they cooperate with the investigation and report to the investigating officer as and when called. Since the State says that the notice under Section 41 A of the

Code has not been complied with, the petitioners must meet the investigating officer by September 21, 2020 and subject themselves to questioning by such investigating officer as and when called.

Subject to the above, in the event of arrest, the petitioners will be enlarged on bail upon furnishing security of Rs.10,000/- each, with two sureties each of like amount, one of whom must be local, to the satisfaction of the arresting officer.

The petitioners will also abide by the conditions laid down in Section 438(2) of the Code.

CRM 6061 of 2020 is disposed of.

(Sanjib Banerjee, J.)

(Aniruddha Roy, J.)