

14.09.2020
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NB&AGM
Ct. No. 8

CRM 6425 of 2020
CRAN 1 of 2020
(Via Video Conference)

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Budge Budge Police Station Case No.141 of 2018 dated 4.5.2018 under Section 406/409 of Indian Penal Code.

And

In the matter of : **Subhankar Das** Petitioner

Mr. Somnath Mukherjee ... for the Petitioner

Mr. Madhusudan Sur,
Mr. Dipankar Paramanick. ...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 application has been filed by one of the partners of M/s. Mallick Enterprises, a partnership firm engaged by the principal employer Biltech Building Elements Limited. The Provident Fund authorities initiated the proceeding for recovery of provident fund dues of the workers being employed by the contractor. Proceeding has been drawn up. It appears that before the Provident Fund authorities in a proceeding under Section 7A of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952, a settlement was reached whereby the entire amount payable by the partnership firm was quantified at Rs.5,16,433/-. The order dated 13th September, 2020 records that under the settlement

a further sum of Rs.4433/- is to be paid by the partnership firm towards this obligation.

In the event, the petitioner on an undertaking that the balance amount of Rs.4437/- shall be deposited within a period of ten days with the Provident Fund authorities and in view of the undertaking given by the petitioner to pay the rest of the amount due within the stipulated time and in view of the undertaking given by the petitioner to pay the rest of the amount within the stipulated period of time.

Accordingly, the application for anticipatory bail is allowed.

In the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand) to the satisfaction of the arresting officer or the investigating officer of the case and on condition that the petitioner shall meet the investigating officer of the case as and when required for.

The aforesaid order shall be subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

CRM 6425 of 2020 and CRAN 1 of 2020 are disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Soumen Sen , J.)

(Jay Sengupta, J.)

