

112 20.10.2020
rkd Ct. No.03
(Allowed)

C.R.M. 8115 of 2020
(Through Video Conference)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Birpara** P.S. Case No. **50 of 2019** dated **23/04/2019** under Section **406/420/464/468/120B** of the Indian Penal Code.

And

In the matter of: Om Prakash Mohata & Ors.

....petitioners.

Mr. S. Chatterjee

...for the petitioners.

Mr. Arun Sarkar,

Mr. A. Sarkar

...for the State.

Petitioners undertake to affirm and stamp the petition/application as per Rules within 48 hours of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

It is submitted on behalf of the petitioners that the dispute relates to management of affairs of a company from whose directorship they have already retired. Defecto complainant is in control of the company since 2017. FIR was lodged belatedly after two years. Land in question has already been refunded to the father of the defacto complainant.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail.

Having considered the materials in the case diary and keeping in mind the nature of allegations in the light of the submission that the dispute relates to management of affairs of a company and as there is delay in lodging the FIR, we are of the opinion though custodial interrogation of the petitioners is not necessary, petitioner require to cooperate with the investigation

in accordance with law.

In the event of arrest, the petitioners shall be released on bail upon furnishing a Bond of Rs. 10,000/- each with two sureties of like amount each to the satisfaction of the Arresting Officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further conditions that they shall meet the Investigating Officer once in every month until further orders.

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

(Md. Nizamuddin, J.)

(Joymalya Bagchi, J.)