

134 16.12.2020
rkd Ct. No.28
(Allowed)

**C.R.M. 9511 of 2020
(Through Video Conference)**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bhawanipore** P.S. Case No. **369 of 2019** dated **13/11/2019** under Section **341/506/420/406/467/468/471/120B** of the Indian Penal Code.

And

In the matter of: Roshan John Chirayath & Anr.

....petitioners.

Mr. Debashish Roy,
Mr. Sandipan Ganguly, Sr. Adv.,
Mr. S. Ray,
Mr. S. Choudhury,
Mr. H. K. Singh

...for the petitioners.

Ms. M. Agarwal

...for the defacto complainant.

Mr. P. Datta,
Mr. S. D. Roy

...for the State.

It is submitted on behalf of the petitioners that the dispute relates to settlement of accounts between the partners in a partnership firm. It is further submitted that proceedings under Section 9 of the Arbitration Act was instituted and orders have been passed by the civil court relating to the accounts of the firm.

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

Learned counsel appearing on behalf of the defacto complainant also opposes the prayer for anticipatory bail and submits that petitioners had diverted her clients and siphoned a large sum of money by misusing passwords and other personal

information.

We have considered the materials on record. Allegations essentially have a civil profile and parties are litigating before the civil court. That apart, investigation of the case centres around documents and do not require custodial interrogation of the petitioners. Under such circumstances, we are inclined to grant anticipatory bail to the petitioners, subject to strict conditions.

In the event of arrest, the petitioners shall be released on bail upon furnishing a Bond of Rs. 50,000/- 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 condition that they shall cooperate with the investigation and shall meet the investigating officer once in a week until further orders.

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

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)