

37.
28-07-2021
(ct. no.32)
debajyoti

(Through Video Conference)

CRM 1649 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Galsi Police Station Case No.45 of 2021 dated 19-01-2021 under Sections 420/409 of the Indian Penal Code.

- A n d -

In the matter of : Saidul Alam Seikh & Anr.

.... Petitioners.

Mr. Bikash Ranjan Bhattacharyya, Sr. Adv.,
Mr. Firdous Samim,
Ms. Gopa Biswas,
Mr. Sheikh Shahnewaj

... For the Petitioners.

Mr. Swapan Banerjee,
Mr. Suman De

... For the State.

The petitioners are Directors of a Private Limited Company. The company is a supplier of rice to the government. The allegation is that in spite of receiving full payment for a certain quantity of rice that the company was supposed to supply to the government, approximately 206 metric tons of rice was supplied and balance 385 metric tons of rice (approximately) was not supplied. The further allegation is that the company and its Directors have sold the same to others at a premium.

Mr. Bhattacharyya, learned Senior Advocate, appearing for the petitioners submits that this is a purely commercial/contractual dispute. There is no question of taking the petitioners into custody for interrogation. Anticipatory bail should be granted.

We have considered the rival contentions of the parties and perused the material in the Case Diary. Public money is involved and that too, in huge amount. We are of the view that the investigating authorities are entitled to carry on due investigation into the matter. The petitioners are directed to surrender to the Court below and obtain regular bail. For a period of one month from date, the petitioners shall not be arrested if they surrender before the Court below within a week from date.

The bail application, if filed, shall be considered in accordance with law by the learned Court below untrammelled by any observations made in this order.

The application for anticipatory bail being CRM 1649 of 2021 is disposed of accordingly.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)