

CRM 5302 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kalighat Police Station** Case No. **80 of 2021** dated **29.07.2021** under Sections **120B/403/406/409/418/420/465/467/468/471** of the Indian Penal Code.

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In the matter of : Bankey Lal Choudhary & Anr.

.... Petitioners.

Mr. P. Chidambaram, Sr. Adv.
Mr. Sekhar Basu, Sr. Adv.
Mr. Kalyan Bandyopadhyay, Sr. Adv.
Mr. Jay Saha, Sr. Adv.
Mr. K. Vajani,
Mr. A. Agarwal,
Mr. A. Singh,
Mr. S. Choudhury,
Mr. S. Sarawgi,

... For the petitioners.

Mr. S. G. Mukherjee, Ld. PP,
Mr. Saibal Bapuli, Ld. APP,
Mr. R. Nandy,
Mr. S. Ganguly,

... for the State.

Mr. S. Ganguly, Sr. Adv.,
Mr. A. Bhattacharyya,
Mr. S. Pal,

... for the defacto complainant.

Read order dated September 24, 2021.

By the said order we had expressed our view that the present matter is, in fact, a civil dispute between the family members of Choudhary family. There is a fight regarding gaining or retaining control of several limited companies which are essentially family companies. We had enquired from learned Counsel appearing for the petitioners if they were prepared to fully cooperate with the investigation and furnish their specimen signatures, if so

required and further, whether they were prepared to secure the amount of money in dispute to show their bona fides.

The petitioners have filed separate affidavits. In the affidavits, it is stated as follows:-

“ a) I shall cooperate with the investigation of Kalighat Police Station Case No. 82 of 2021 dated 30th July, 2021 under Sections 406/409/420/467/468/471/120B of the Indian Penal Code, 1860, to the fullest extent without any reservation.

b) I shall provide my specimen signature, if called upon to do so.”

It further appears that the personal bank accounts of the petitioners have been frozen at the instance of the Investigating Officer. The details of such bank accounts along with moneys lying therein as on September 13, 2021 have been furnished in the affidavits.

The amount in dispute in this case is approximately Rs.4.32 crores. Since the frozen bank accounts of the petitioners show credit balance of approximately Rs.5.30 crores in the aggregate as on September 13, 2021, we do not need to pass any order in that regard.

Even if the aforesaid accounts of the petitioners are de-frozen, the petitioners shall not withdraw money from such accounts without keeping a balance of Rs.4.32 crores in the aggregate till the completion of investigation.

We trust and hope that investigation in this matter shall be completed by the police authorities within a reasonable period of time. In the event the investigation is unduly delayed, the petitioners will be at liberty to approach the trial Court for

relaxation of the order to the extent the same imposes restriction on the petitioners regarding withdrawing moneys from the aforesaid bank accounts.

This order shall have no bearing on any other legal proceeding pending between the petitioners and their group and the defacto complainants and their group before any forum.

Considering the nature of the allegation against the petitioners, we are of the view that immediate custodial interrogation of the petitioners is not necessary subject to they complying with the conditions mentioned above and on further conditions mentioned below.

Accordingly, in the event of arrest, the petitioners, namely, **Bankey Lal Choudhary** and **Tushar Choudhary** shall be released on bail upon furnishing a bond of Rs. 10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438 (2) of the Code of Criminal Procedure until further orders.

In the event the petitioners fail to adhere to any of the conditions stipulated in Section 438 (2) of the Code of Criminal Procedure, the learned Court below will be at liberty to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 5302 of 2021 is, thus, allowed.

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

(**Bivas Pattanayak, J.)**

(**Arijit Banerjee, J.)**