

21.12.2021
Item no.32.
Court No.28.
AB

(Via Video Conference)

CRM No. 8311 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Shakespeare Sarani Police Station Case No.123 Dated 17.08.2021 under Sections 419/420/467/406/468/471/120B of the Indian Penal Code

And

In the matter of : Sanjay Kumar Patodia & Others

.....Petitioners.

Mr. Debasish Roy,
Mr. Sanjay Banerjee,
Ms. Senjuti Chakrabortyfor the Petitioners.

Mr. Rudradipta Nandyfor the State.

It is submitted on behalf of the petitioners that the petitioner no.1 and 2 are the Directors of one M/s. Austin Distributions and the petitioner no.3 is its former employee. They are dealers of vehicles and facilitated grant of loans for purchase of vehicles through the defacto complainant firm. It is further contended that the dispute is civil in nature and the vehicle in question has already been seized during investigation. Arbitration proceedings have also been initiated over the selfsame dispute.

Learned lawyer appearing for the State opposes the prayer for anticipatory bail and submits that the petitioners

dishonestly took delivery of the vehicle on the basis of a fraudulent financial agreement.

We have considered the materials on record. Proceeding under Section 9 of the Arbitration and Conciliation Act, 1996 has been instituted over the selfsame dispute. Be that as it may, vehicle in question has already been seized in the course of investigation.

Under such circumstances, custodial interrogation of the petitioners is not necessary and they may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) 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 the petitioners shall appear before the court below and pray for regular bail within a period of four weeks from date.

The application for anticipatory bail is, thus, allowed.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)

