

21.12.2021
Item no.35.
Court No.28.
AB

(Via Video Conference)

CRM No. 8317 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Haldia Police Station Case No.124 of 2019 Dated 13.11.2019 under Sections 420/34 of the Indian Penal Code

And

**In the matter of : Dr. Buddhadeb Chattopadhyay
@ Chatterjee & Anr.**

.....Petitioners.

Mr. Debrup Bhattacharya,
Mr. Subhas Bhattacharya,
Ms. Tiana Bhattacharyafor the Petitioners.

Mr. Sudip Ghosh,
Mr. Bitoshok Banerjeefor the State.

It is submitted on behalf of the petitioners that insolvency proceedings have already been initiated against the petitioners' company. The defacto complainant has dues against the said Company.

Learned lawyer appearing for the State opposes the prayer for anticipatory bail.

We have considered the materials on record. Dues arose out of a commercial transaction and the insolvency proceedings have been initiated. We are informed that defacto complainant has also lodged his claim before the Resolution Professional.

Under such circumstances, we are of the opinion that the petitioners 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.)