

CRM (A) 2771 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Company Case No. 23/2021** under **Sections 621(1)/58A/58A(6)/58AAA/125/142/209/211/211(7)/217/217(5)/628** of the **Companies Act, 1956** and **Sections 73(1)/76A/447/74(1)74(3)/76A/77/85/86/128/128(6)/129/129(7)/134/134(8)/448** of the **Companies Act, 2013**

And

In the matter of: **Timir Baran Hazraq**

....Petitioner

Mr. Sandipan Ganguly, Sr. adv.

Mr. Somopriyo Chowdhury

Mr. Souvik Bhadra

Mr. Debangshu Ghatak

...for the Petitioner

Mr. Sandip Kumar Bhattacharya

...for the Union of India

Mr. Ganguly, learned senior advocate for the petitioner submits his client is a chartered accountant. He discharged his professional duties to the best of his ability. He cooperated with the enquiry and petition of complaint has been filed. Most of the accused persons have been granted bail.

Mr. Bhattacharya, learned advocate appearing for the Union of India submits petitioner had intentionally made false declaration with regard to the nature of deposits made to the company.

We have considered the materials on record. The petitioner acted in his professional capacity. Whether the conduct of the petitioner was intended or otherwise is a matter to be decided in the course of trial. He has cooperated with the enquiry and investigation is complete. Most of the accused persons are on regular bail. Under such circumstances, we of the opinion, there is no necessity for custodial interrogation of the petitioner and he may be granted pre arrest bail.

The prayer for anticipatory bail is thus allowed.

Accordingly, we direct that in the event of arrest, the petitioner be released on bail upon furnishing a Bond of Rs. 10,000/- (Rupees Ten thousand only) with two sureties of like amount each one of whom must be local, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall appear before the Court below and pray for regular bail within four weeks from date.

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

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)