

23.06.2022

Sl. 9

Court No.29

(AD)

(Allowed)

C.R.M. (A) 2941 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Karaya** Police Station Case No. **95** of **2022** dated **18.04.2022** under Sections **120B/406/420/467/468/471/473/477A/506** of the Indian Penal Code.

And

In the matter of: **Keshav Kumar Dubey**

....petitioner.

Mr. Debashish Roy
Mr. Avishek Bhandari
Mr. Rajesh Upadhyay
Mr. Ayant Shaw

...for the petitioner.

Mr. Sudip Ghosh
Mr. Bitasok Banerji

...for the State.

Mr. Kallol Mondal
Mr. Satadru Lahiri
Ms. Sneha Singh

... for the de facto complainant.

Petitioner prays for anticipatory bail.

Learned Advocate appearing for the petitioner submits that there are civil disputes in respect of a partnership firm. He refers to an order passed by this Hon'ble Court under Section 9 of the Arbitration and Conciliation Act, 1996 in AP No.306 of 2022 on May 20, 2022.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary.

Learned Advocate appearing for the de facto complainant submits that the petitioner before the Court claimed himself to be a former partner of the partnership firm in the year 2020 by

way an advertisement in the newspaper. Thereafter, he started meddling in the affairs of the partnership firm including stealing a cheque of the partnership firm.

There are civil disputes pending between the parties. There is an arbitration proceeding pending. There is an order passed by the High Court under Section 9 of the Arbitration and Conciliation Act, 1996 being AP 306 of 2022 in which there subsists an interim order dated May 20, 2022.

The actions complained of in the police complaint is qua a partner of a partnership, disputes with regard to which are subject matter of arbitration.

Considering the materials in the case diary and considering the fact that the civil disputes between the private parties are yet to attain finality, we deem it appropriate to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a Bond of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties of like amount each, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner will report before the Investigating Officer once a month till the conclusion of the investigation and on condition that the petitioner shall appear every day before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without

further reference to this Court.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 2941 of 2022 is, thus disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)