

30.09.2022.
79.
AD/KC
(Allowed).

C.R.M. (A) 4836 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Hare Street P. S.** Case No.**219** dated **09.10.2021** under Sections **403/406/419/420/506/341/379/427/34/120B** of the Indian Penal Code.

In the matter of : Tapas Kumar Chowdhury
... Petitioner.

Mr. Debajyoti Deb
Mr. Somdyuti Parekh
...for the Petitioner.

Mr. Neguive Ahmed
.....for the State.

Mr. Sandipan Ganguly, Ld. Sr. Adv.
Mr. Somopriyo Chowdhury
Mr. Satadru Lahiri
Mr. Dipayan Dan
... for the de facto complainant.

Petitioner submits that he had started a company by the name of CAIS Engineering Services Pvt. Ltd. Subsequently, the de-facto complainant forged his digital signature and removed him from the directorship of the company. A civil suit was filed and the de-facto complainant has been restrained from transferring the shares of the company.

Learned senior advocate for the de-facto complainant submits petitioner was lawfully removed from the directorship in the Extra-ordinary General Meeting of the company. Due to machinations by the petitioner they were

unable to submit documents before the Registrar of Companies. In the meantime, petitioners unlawfully withdrew funds from the accounts of the company. He further submits that the civil suit and other proceedings initiated by the petitioner are a counter-blast to the present criminal case.

In reply, petitioner submits he has cooperated with investigation and responded to the notices given by the investigating agency. He has outstanding claims against the company and the allegation of misappropriation is unfounded.

We have considered the materials on record. Petitioner is a former director of the company. He had substantial share holding in the company. While it is contented on behalf of the de-facto complainant he was lawfully removed from directorship, it is the petitioner's contention that he was unauthorisedly removed. There are disputes with regard to the amounts payable by and between the parties. A civil suit is pending between the parties. Whether the petitioner was lawfully removed from the directorship or not does not fall within the ambit of criminal investigation. Whether the withdrawals made by the petitioner from the company were lawful, the issue requires to be investigated in the light of his counter claim against the company. This does not call for custodial interrogation.

Under such circumstances, progress of investigation does not require custodial interrogation of the petitioner and he may be granted anticipatory bail subject to conditions.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.25,000/-, 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 while on bail shall meet the Officer-in-Charge of the Hare Street Police Station once a week until further orders and he shall not disturb the running of the company by the de facto complainant in any manner whatsoever, save and except, lawful orders passed by the Civil Court/judicial authority and on further condition that the petitioner shall appear before the trial court and pray for regular bail within a period of four weeks from date.

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

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)