

16.11.2022

Sl.30
Court No.29
(AD)
(Allowed)

C.R.M. (A) 5232 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **New Market** Police Station Case No. **72 of 2022** dated **09.04.2022** under Sections **120B/420/406** of the Indian Penal Code, 1860 now pending as G.R. (8) Case No.385 of 2022.

And

In the matter of: **Balkrishan Das Mundhra & Ors.**

....petitioners.

Mr. Sandipan Ganguly, Ld. Sr. Advocate
Mr. Pawan Kumar Gupta
Mr. Dipak Agarwal
Mr. Prasun Mukherjee

...for the petitioners.

Mr. Saibal Bapuli, Ld. APP
Mr. Bibaswan Bhattacharya

...for the State.

Petitioners pray for anticipatory bail.

Directors of a company which is undergoing a corporate insolvency process under the provisions of Insolvency and Bankruptcy Code, 2016 are before Court seeking anticipatory bail.

The police complaint relates to non-payment of cement supplied by the de facto complainant to the company over a considerable period of time.

The claims apparently are civil in nature.

The company is undergoing of a corporate insolvency process where the civil liability of the company *vis-a-vis* the de facto complainant will be considered.

In such circumstances, we grant anticipatory bail to the petitioners.

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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner nos.1,2 and 3 will report before the Investigating Officer once a month till the conclusion of the investigation and petitioner nos.4 and 5 will cooperate with the investigation till the conclusion of the investigation and on condition that the petitioners shall appear on every date 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 petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

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

C.R.M. (A) 5232 of 2022 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)