

18.08.2023
SL. 11 & 12
Court No. 29
Suvayan
(Rejected)

C.R.M. (A) 2606 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with MP Case No. **158 of 2022** under Sections **419/ 420/ 467/ 468/ 469/ 471/408/120B** of the IPC corresponding to G.R. Case No. **6348 of 2022** subsequently **Sankrail** P.S. case No. **1144 of 2022** dated **08.11.2022** under Sections **419/ 420/ 467/ 468/ 469/ 471/408/120B** of the IPC.

And

In the matter of: **Manish Chugh**

....petitioner.

With

C.R.M. (A) 2607 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with MP Case No. **158 of 2022** under Sections **419/ 420/ 467/ 468/ 469/ 471/408/120B** of the IPC, 1860 corresponding to G.R. No. **6348/2022** subsequently **Sankrail** P.S. Case No. **1144 of 2022** dated **08.11.2022** under Sections **419/ 420/ 467/ 468/ 469/ 471/408/120B** of the IPC.

And

In the matter of: **Pankaj Jain**

....petitioner.

Mr. Soubhik Mitter
Ms. Ujjaini Chatterjee
Mr. Samarjit Basu

...for the petitioner in
CRM (A) 2606 of 2023.

Mr. Sabyasachi Banerjee
Ms. Ujjaini Chatterjee
Mr. Samarjit Basu

...for the petitioner in
CRM (A) 2607 of 2023.

Mr. Ranabir Roy Chowdhury
Mr. Mainak Gupta

...for the State.

Mr. Sanjay Banerjee
Mr. Pratim Priya Dasgupta
Mr. Joydeep Bhattacharjee

...for the de facto complainant.

1. Heard learned Counsel for both the parties.
2. As both the anticipatory bail applications arise out of the same P.S. case they are taken up together for disposal by this

common order.

3. The petitioners in both the aforesaid two petitions are admittedly transporters who were engaged by the principal, i.e., Jindal company for transportation of pipes to PHED department in Meghalaya. Through the present petitioners' about 31 lakhs meters of pipes were transported to Meghalaya it is alleged that out of total number of pipes, five lakhs running meters of pipes have been short fall so far as the supply is concerned. The amount of the aforesaid quantity of pipe is about Rs. 12.8 crores.
4. The petitioners were released on interim bail to cooperate in the investigation as we found that there is some element of criminality in a business transaction. Now it is vehemently urged by the State that the petitioners did not cooperate in the investigation whole-heartedly.
5. From the records, we find that some of the drivers and brokers engaged by the petitioners have given there statements to the effect that they have delivered the pipes in the place directed by the petitioners' agent but none of the witness have stated about the place where they have given the delivery.
6. It is urged by learned Counsel for the petitioners that they being the transporters have transported the consignment on the basis of challan issued by the authorised signatory of the company.
7. From the records of the C.D., we find that the company itself has disowned such fact and has written to the I.O. that the

persons who is alleged to have signed the consignment challan is not the authorised signatory of the company. It was obvious that complaint has been filed against the petitioners and some of the employees of the Jindal company.

8. Learned Counsel for the petitioners is very vehement on the point that there has been change of management in the company. Be that as it may with the change of management the company does not change its character and the complaint has been filed against the present petitioners and the employees being in hands in gloves so far as the short fall in the consignment is concerned.
9. It is further submitted by learned Counsel for the petitioners that the employees of the company who had moved this Court for quashing of the FIR being successful here, the informant company impugned the order before Hon'ble Supreme Court. Hon'ble Supreme Court while refusing to affirm the order of this Court is stated to have given protection to those agents/employees from being arrested on the ground of the fact that State submitted before Hon'ble Supreme Court that they have cooperated in the investigation.
10. The petitioners, however, cannot claim parity on the basis of order passed by Hon'ble Supreme Court. From the record of the C.D. which is quite voluminous, we find that there is much behind what is seen. The entire transaction may be a designed move for some oblique purpose which cannot be found out in detail without thorough interrogation of the petitioners. Taking into consideration the nature of

transaction and growing nature of such transaction in business for oblique purpose, we are not inclined to exercise our discretion in favour of the petitioners under Section 438 Cr.P.C.

11. Accordingly, the prayers for the anticipatory bail are rejected.
12. The applications being CRM (A) 2606 of 2023 and CRM (A) 2607 of 2023 are dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

