

378  
ML  
23-08-2023  
(ct. no.29)  
Sayandeep  
reject

### **CRM(A) 3186 of 2023**

**In re:** An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Shibpur Police Station** Case No. **115 of 2022** dated **19.04.2022** under Sections **467/468/471/406/40/506/34** of the Indian Penal Code.

- A n d -

**In the matter of : Anjani Kr. Mishra & ORS.**

.... Petitioners.

Mr. Sudip Kumar  
Mr. Sayan Dev Kumar

... For the Petitioners.

Mr. Rudradipta Nandy  
Mr. Ashok Das

... for the State.

Mr. Kishore Dutta  
Mr. Ayan Bhattacharya  
Mr. Sayantak Das  
Mr. Dipanjan Dutta  
Mr. Sumitava Charaborty  
Mr. Surajit Saha

.....for the de facto complainant

1. Heard learned counsel for the parties.
2. This is a peculiar case where the petitioners are alleged to have taken away equity shares of the informant in the company by using forged signature. The entire endeavour is alleged to have started from 2010 and in a designed process, two of the sons of the petitioner No. 1 have been brought as Directors of the company. In the alleged machination, the informant who is alleged to had about 83% of equity share has fallen to about 13%.

3. Taking into consideration the fact that, the entire transaction is document based, we would have extended the benefit of anticipatory bail to the petitioners. But after going through the voluminous case diary, we find that contemporaneous documents pointing to the guilt of the petitioners are still there in the custody of the petitioners which may not be unearthed without custodial interrogation of the petitioners.
4. As such, we are not inclined to exercise our discretion Under section 438 Cr.P.C. in favour of the petitioners.
5. Accordingly, the prayer for anticipatory bail is rejected.

**( Chitta Ranjan Dash, J.)**

**(Partha Sarathi Sen, J.)**