

24.08.2023
ML. 428
Court No. 29
Sourav
(Partly
Allowed)

C.R.M. (A) 3244 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Lake** Police Station Case No. **91** of **2023** dated **29.04.2023** under Sections **120B/420** IPC.

And

In the matter of: **Pinaki Manna & Ors.**

....petitioners.

Mr. Koustav Lal Mukherjee

...for the petitioners.

Ms. Anasuya Sinha
Ms. Subashree Patel

...for the State.

Mr. Arindam Jana
Mr. Soumojit Chatterjee
Mrs. Purbali Dutta

... for the defacto complainant.

1. Heard learned Counsel for the parties.
2. So far as the petitioner no. 1 is concerned, the present application for anticipatory bail is allowed to be disposed of as withdrawn with liberty for the petitioner to file afresh with better particulars along with the particulars of cases filed against him and other petitioners by other banks and any judicial order passed on those cases.
3. So far as petitioner nos. 2 and 3 are concerned, admittedly they are the partners of the company which is alleged to have siphoned huge amount by taking loan mortgaging the self-same property by changing the number of the apartment only. It is settled in law that all the partners are jointly and severally liable but that is domain of civil law only. So far as the present petitioner nos. 2 and 3 are concerned, it is fairly submitted by learned Counsel for the State that there is no

substantive allegation against them as they are not actively participating in the business.

4. Regard being had to the facts and submission, factum of permanent residence of the petitioners, nature of allegation and substantial progress in investigation, it is directed that each of the petitioner nos. 2 and 3 shall be released on bail in the event of their arrest by the Arresting Officer in the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
5. The petitioners are directed to appear before the I.O. within 21 days from today along with a server copy or certified copy of this order.
6. Accordingly, the prayer for the anticipatory bail in respect of petitioner nos. 2 and 3 is allowed.
7. The application being **CRM (A) 3244 of 2023** is disposed of.
8. The I.O. is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

