

22.12.2023

Serial no. 03

[Dd]

(Anticipatory bail)

(Allowed)

CRM(A) 4962 of 2023

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Bidhannagar North** Police Station Case No. **125** of **2023** dated **August 2nd, 2023** under Sections **420/406/465/468/471/34** of the Indian Penal Code, 1860 corresponding to G.R. Case No. **797 of 2023**.*

-And-

In the matter of : **Shri Jagdish Parshad Goel**

... .. Petitioner

Mr. Sabyasachi Banerjee,

Mr. Partim Desgupta,

Mr. A. Agarwalla,

Ms. P.Garain, Advocates

... .. For the Petitioner

Mr. Sudip Ghosh,

Mr. Saryati Datta, Advocates

... ..For the State

Mr. Ayan Bhattacharya,

Mr. Pinak Kr. Mitra,

Ms. Ariba Shahab, Advocates

.. ...For the de facto complainant

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that the petitioner was falsely implicated. The disputes are in relation to family affairs. He submits that, a writ petition was filed being WPA 22269 of 2023 in which an order dated October 4, 2023 was passed. He submits that, there are two sons of the petitioner. A property was initially purchased in the name of the company. A portion of such property was sold. In the process of sale, a sum of Rs.6 crores was received as consideration. Out of the sum of Rs.6 crores, Rs.3 crores were divided amongst the two children. At the time of sale, grand son of the petitioner through the second son of the petitioner was co-opted as a

director of the company. A resolution for sale was taken by the company, pursuant to which the sale was made. He submits that sum of Rs.1.75 crores was transferred by two RTGS transactions on May 9, 2022 in the Bank Account of a partnership namely, Sree Bishandas Iron Works in which, the grand son through the second son of the petitioner is a partner.

Learned advocate appearing for the State refers to the materials in the case diary. He submits that, despite two attempts to seize the original documents, the Investigating Officer was unsuccessful due to the non-cooperation on the part of the petitioner.

Learned advocate appearing for the de facto complainant submits that, his client did not receive the sum of Rs.1.75 crores.

Disputes revolves around alleged forgery of a resolution taken by a company governed under the provisions of the Companies Act, 2013.

A portion of the sale proceeds of an immovable property was transferred by Bank transfer to an account of a partnership firm in which the de facto complainant is a partner. The transfer took place on May 19, 2022.

Whether the version of the de facto complainant or the version of the petitioner before us relating to the transaction in the matter is correct is an issue which will be decided at the trial Court on evidence.

The allegation is of forgery of a signature of the de facto complainant on a resolution taken by the Company. The allegation relates to a document.

In such circumstances, the Investigating Officer will proceed to seize such original document forthwith.

In view of the discussions above, we do not feel the necessity of a custodial interrogation taking place. More so, considering the age of the petitioner, which is about 88 years as

claimed and the fact that, the incident occurred in 2022 and is within a family.

There is also the possibility of the disputes inter se between the private parties, being civil in nature.

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

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall report before the Investigating Officer as and when called for till the conclusion of the investigation and on further condition that the petitioner 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 petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioner is **allowed**.

CRM(A) 4962 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)