

20.06.2024
SL No.19
Court No.29
TN
(Allowed)

CRM (A) 1922 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Haripal Police Station Case No.277 of 2024 dated 24.05.2024 under Sections 420/406/471/467/468/120B of the Indian Penal Code.

And

In the matter of : **Joginder Aganu Yadav and others.**

- petitioners.

Mr. Shibaji Kumar Das,
Mr. Samrat Choudhury

....for the petitioners.

Mr. Parashar Baidya,
Mr. Shibendranath Chatterjee

... for the *de facto* complainant.

Ms. Amita Gaur,
Ms. Payel Ghosh

... for the State.

1. The learned counsel for the petitioners submits that the petitioners are the directors of Sarai Manasha Milk Products Private Limited having registered office in the District of Hooghly. They have been falsely implicated by the *de facto* complainant. It is submitted that the *de facto* complainant approached the petitioners with a proposal for investment in the business of the petitioners and on the basis of such representation, the petitioners were induced to make investments. It is claimed that the work orders produced by the *de facto* complainant in order to induce the petitioners to invest funds are all forged and fabricated.
2. The learned counsel for the *de facto* complainant submits that he is holding 75% equity shares in the paid-up equity share

capital of the company aggregating to 7,500 number of equity shares. The petitioner nos. 1, 2 and 3 have colluded to remove him from the Board of Directors of the company after the *de facto* complainant was induced to invest huge amount in the company. He claimed to have invested more than Rs. 8.81 crore as unsecured loan. The removal of the *de facto* complainant is the reason for lodging the said complaint on the basis of false and forged documents.

3. The learned counsel for the State submits that the investigation is at the initial stage and for the purpose of investigation, the custodial interrogation of the petitioners is necessary.
4. Considering the materials available in the case diary and the nature of the allegations against the petitioners and the involvement of the petitioners in the commission of the alleged offence, we are of the view that the custodial interrogation of the petitioners is not necessary.
5. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Joginder Aganu Yadav, Manakkalayil Krishnan Sunil Kumar @ Sunil Kumar MK and Sandip Karunakar Shetty** shall be released on bail upon furnishing a bond of Rs.50,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. It is further directed that the petitioners shall meet the Investigating Officer of this case once in a week or as and

when required till submission of the final report. The petitioners shall appear before the learned Additional Chief Judicial Magistrate, Chandannagore, District-Hooghly and pray for regular bail within two weeks from date.

6. In default of fulfillment of any of the conditions, this order shall automatically stand recalled without any further reference to this court.
7. Accordingly, the application for anticipatory bail is disposed of.
8. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)