

13.08.2024
SL No.29
Court No.29
(gc)
(Allowed)

CRM (A) 2552 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Uttarpara Police Station Case No.308 of 2017 dated 11.04.2017 under Sections 417/418/420/409/34 of the Indian Penal Code.

And

In the matter of : **Biswajit Paul**

- Petitioner.

Mr. Sabyasachi Banerjee,
Mr. D. Nandi,
Mr. Subir Banerjee,
Mr. Prashant Pathak

....For the Petitioner.

Mr. Madhusudan Sur, Ld. A.P.P.,
Ms. Shaila Afrin

... For the State.

1. The learned Counsel for the petitioner submits that the petitioner was one of the directors of ESBI Infrastructure Company Limited and ESBI Industries Limited. The said companies belong to ESBI Group of Industries. Several criminal cases have been initiated against the company allegedly for cheating various depositors. The criminal proceedings are pending against the group of companies including the petitioner in Uttarpara Police Station Case No.63 of 2017 dated 28th January, 2017 in which the petitioner was enlarged on bail on 28th May, 2018. It is further submitted that the company has made payments on the basis of a scheme propounded by the One Man Committee as per the order passed by the Division Bench and disbursement has been made by the One Man

Committee by various depositors. It is further submitted that the petitioner had cooperated with the investigation and was enlarged on bail in almost all the criminal cases initiated against the petitioner and warrant of arrest was issued, although, it was known to the Uttarpara Police Station that he appeared and cooperated with the investigation and enlarged on bail in other related cases.

2. The learned Counsel for the State in opposing the prayer for anticipatory bail has produced the case diary to show that the ESBI Group of companies, in which the petitioner was one of the directors, did not redeem the debentures and it would appear from the record that even in 2018, the maturity value was not paid. It is further submitted that charge-sheet has already been filed.
3. Considering the materials available in the case diary and having regard to the fact that the petitioner was enlarged on bail in other related cases and a charge-sheet has already been filed, we are of the view that custodial interrogation of the petitioner is not necessary.
4. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Biswajit Paul**, shall be released on bail upon furnishing a bond of Rs.50,000/-, 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 corresponding to Section 482 (2) of the BNSS, 2023.

5. It is directed that the petitioner shall not leave the jurisdiction of Kolkata without the permission of the Trial Court except for the purpose of attending the Court. The petitioner shall deposit the passport with the Officer-in-charge of the Police Station concerned. In the event he does not have a passport, an affidavit to that extent duly affirmed before the Judicial Magistrate shall be filed in the pending proceeding within two weeks from date.
6. It is further directed that the petitioner shall appear before the learned Additional Chief Judicial Magistrate at Serampore, Hooghly in connection with G.R. Case No.900 of 2017 within two weeks from date.
7. Accordingly, the application for anticipatory bail is disposed of.
8. As directed by the order dated 8th August, 2024, both the Investigating Officer and the responsible officer deputed by the Bidhannagar Police Commissionerate are present in Court today. Their personal appearance is dispensed with.
9. 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.)