18.01.2024
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Ct. No. 29
S.D.
REJECTED

C.R.M.(A) 3414 of 2023

In Re:- In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bowbazar** Police Station Case No. **136 of 2023** dated **14.07.2019** under Section **120B/420/406/467/468/471** of the Indian Penal Code.

And

In Re : Anirban Mukherjee

...... petitioner

Mr. Milon Mukherjee, Sr. Adv.,
Mr. Dipanjan Dutta
Ms. Sanjana Saha
...for the petitioner

Mr. Sudip Ghosh
Mr. Koushik Kundu
...for the State

Mr. Manjit singh
Mr. Kallol Mondal
Ms. Sutapa Sanyal
Mr. Pawan Kumar gupta
Mr. Kishan Roy
Mr. Kaushik chaudhury
Mr. S.M.S. Poddar
Ms. Sofia Nesar
Mr. Santanu Sett
...for the defacto-complainant

The application for anticipatory bail is taken up for consideration subsequent to the order dated December 13, 2023 passed by the Coordinate Bench.

There subsists an interim order dated September 29, 2023.

The petitioner, State and the defacto-complainant are represented.

Learned Senior Advocate appearing for the petitioner submits that, the police complaint revolves around a Memorandum of Understanding with regard to a legal entity governed by the Companies Act, 2013. He draws the attention of the Court to the contents of the petition under Section 156 (3) of the Cr.P.C. He submits that, essentially the disputes between the private parties are civil in nature. Custodial interrogation of the petitioner is not required since the petitioner as a shareholder and a Director of a limited liability Company and cannot be held liable or responsible for alleged default of the company.

Learned Senior Advocate appearing for the petitioner further submits that, the petitioner complied with the directions passed in the interim order granting anticipatory bail to the petitioner and met to the Investigating Officer.

Learned advocate appearing for the State refers to the materials in the Case Diary. He submits a report as called for by the Court which be taken on record. He submits that, there are four criminal cases pending as against the petitioner in the State of Jharkhand involving an allegation of cheating.

Learned advocate appearing for the State submits that, the petitioner was one of the persons involved in causing a bank to issue a bank guarantee on the basis of forged signature. Petitioner is refusing to identify the person who signed the bank documents relating to the issuance of the bank guarantee.

Learned advocate appearing for the defacto-complainant refers to the application filed under Section 156(3) of the Cr.P.C.

We considered the materials in the case diary and the rival submissions of the parties.

Report as called for by the earlier order submitted in Court be taken on record.

There are criminal antecedents so far as the petitioner is concerned. Four police complaints involving *inter alia* Section 420 IPC, 1860 are pending in the State of Jharkhand.

In the present police complaint, apparently, petitioner induced to the defacto-complainant to part with valuable rights in respect of a company and did not honour the commitments with regard thereto.

Investigations reveal wrong doing by the petitioner in relation to the company and its functioning. Apparently, the petitioner is misutilizing the façade of the company in defrauding others.

Role of the petitioner in the entire transactions requires investigation. Enlarging the petitioner on anticipatory bail will be inimical to such investigation.

In such circumstances, we are unable to grant anticipatory bail to the petitioner and the prayer of anticipatory bail is rejected.

The application being **CRM (A) 3414 of 2023** is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)