

25.09.2024
Court No.29
Item Nos. 17&18

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CRM (A) 3222 of 2024
Avik Kumar Ghosh @ Abhik Kr. Ghosh
Vs.
The State of West Bengal

With

CRM (A) 3224 of 2024
Badal Chandra Ghosh
Vs.
The State of West Bengal

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the BNSS, in connection with English Bazar Police Station Case No. 955 of 2024 dated 16.07.2024 under Sections 420/406 of the Indian Penal Code, pending before the learned Chief Judicial Magistrate at Malda.

Mr. Ranojoy Chatterjee
Mr. Tamal Singha Roy

For the Petitioner

Mr. Sardar Shahin Imam
Mr. Sufi Kamal

For the State

Mr. Kallol Mondal
Mr. Krishan Ray
Mr. Souvik Das
Mr. Anamitra Banerjee

For the defacto complainant

1. The petitioners claim that they were partners of one Bani Engineering Co. They retired on 3rd May, 2024. Earlier, we directed the petitioners to produce the documents before the Investigating Officer as they have promised in their letter dated 14th September, 2024.
2. The learned Counsel for the petitioners submit that the original partnership deeds are not available with the present petitioners. However, during investigation, the two documents have been produced namely, the Deed of

Retirement of one partner from the partnership deed dated 18th July, 2022 and the Deed of Retirement-cum-Reconstitution of partnership dated 3rd May, 2024.

3. After hearing the learned Counsel for the parties, it appears that the dispute is arising out of a settlement of accounts of the partnership firm. It is alleged that the petitioners and the co-accused persons retired on 3rd May, 2024 as duly recorded in the deed of retirement-cum-reconstitution. However, in reality, the defacto complainant had retired from the partnership on 18th July, 2022. We do not find any such reflection in the subsequent reconstituted partnership deed. Moreover, there are incriminating materials showing that huge fund has been transferred in the name of the present petitioners from the said partnership firm without any settlement of accounts. The petitioners were unable to provide any documents before the Investigating Officer showing that pursuant to the settlement of accounts, the said amount is received by the petitioners or the co-accused.
4. In view of the presence of such incriminating materials, we are not inclined to grant anticipatory bail to the present petitioners.
5. Accordingly, the prayer for anticipatory bail of the petitioners is rejected.

(Soumen Sen, J.)

(Uday Kumar, J.)