

07.10.2024
SL No.36
Court No.29
(SSS)
(Allowed)

CRM (A) 3601 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Bidhannagar North Police Station Case No.194 of 2024 dated 31.08.2024 under Sections 406/420/465/468 and 471 of the Indian Penal Code.

And

In the matter of Anil Kumar Maheshwari and Ors.

- Petitioners.

Mr. Pawan Kumar Gupta,
Ms. Sofia Nesar,
Mr. Santanu Sett, Advs.
.....For the petitioners.

Ms. Ranadeb Sengupta,
Mr. Shashanka Shekhar Saha, Advs.
....For the State.

1. Claiming parity with Item No. 30 [CRM(A) 3588 of 2024] in which the prayer for anticipatory bail was granted to it, prayer of anticipatory bail is made on behalf of the present petitioners.
2. Mr. Ranadeb Sengupta, learned Counsel appearing on behalf of the State also does not dispute that the present petitioner's stand on the same footing as that of Manish Lakhotia in [CRM(A) 3588 of 2024], he needed information with regard to the trail of monies to different companies have not been satisfactorily explained by the present petitioners.
3. Learned Counsel for the petitioners submits that the I.O has directed the petitioners to be present on 26th September,

2024, however due to reasons beyond the control, the petitioners could not attend. However, he has assured that the petitioners shall appear and meet the I.O on date and time to be intimated by the I.O to the petitioners and shall produce all documents and furnish all required information to the Investigating Officer and shall cooperate with the investigation. On such assurance and prima facie with regard to the fact that the petitioner's stand on the same footing as that of Manish Lakhotia in CRM 3588 of 2024), we are inclined to grant anticipatory bail to the petitioners.

4. Considering the materials available in the case diary and having regard to the extent and nature of the dispute and involvement of the petitioner in the commission of alleged offence and noticing the apparent discrepancies between the statement of the victim recorded under Section 164 of the Code of Criminal Procedure and the medical examination report, we are of the view that the custodial interrogation of the petitioner is not necessary.
5. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Sri Anil Kumar Maheshwari, Sri Pankaj Kumar Maheshwari and Smt. Sujata Maheshwari** shall be released on bail upon furnishing a bond of Rs.10,000/- 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. The petitioners shall deposit the mobile with the Investigating Officer for forensic examination within 24 hours without tampering with the said mobile. It is further directed that the petitioners shall appear before the learned Additional Chief Judicial Magistrate, Bidhannagar, North 24 Parganas in connection with G.R. Case No.1139 of 2024 and pray for regular bail within two weeks from date.

6. Accordingly, the application for anticipatory bail is disposed of.
7. We make it clear that in the event the petitioners fail to appear before the I.O on the date and time fixed and fails to cooperate in the investigation, the Opposite Party shall be entitled to apply for conciliation of bail.
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.)