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[ALLOWED]

C. R. M. (A) 3835 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Bidhannagar North Police Station Case No. 194 of 2024 dated 31.08.2024 under Sections 406/420/465/468/471 of the Indian Penal Code.

In Re: ***Asha Devi Ganeriwla @ Asha Devi Ganeriwal.***
... .. Petitioner

Mr. Pawan Kr. Gupta,
Ms. Sofia Nesar,
Mr. Santanu Sett.

... .. for the petitioner

Mr. Ranadeb Sengupta,
Mr. Atulya Sinha.

... .. for the State

Mr. Shiven Ray.

...for the de-facto complainant.

1. Petitioner submits she is a mere name lender and had no role to play in the affairs of the firm where a portion of alleged misappropriated sum was deposited. Co-accused viz., Manish Lakhotia has been granted anticipatory bail. Accordingly, he prays for anticipatory bail.

2. Learned Advocate for the State opposes the prayer for anticipatory bail. He submits one Piyush Mantri, a stockbroker had induced the de-facto complainant and others to invest in various firms on the false promise of giving high returns. A sum of Rs.4.5 lakhs was deposited in the petitioner's firm.

3. Learned Advocate for the de-facto complainant contends Manish Lakhotia was granted anticipatory bail by a Co-ordinate

Bench on the strength of incorrect submission that Piyush Mantri is on bail.

4. In reply, learned Advocate for the petitioner (who also represented Manish Lakhotia) clarifies that in the order granting anticipatory bail to Manish Lakhotia, name of Ayush Mantri has been incorrectly recorded as Piyush Mantri. Order granting bail to Ayush Mantri was placed before the court during hearing of the said application.

5. We have considered the rival versions at the Bar. One Piyush Mantri, a stockbroker had induced the de-facto complainant and associates to invest in various firms. An amount of Rs.4.5 lakhs was credited to the petitioner's firm. There is nothing to show the petitioner had induced the de-facto complainant or his associates to make the investment. No application for cancellation of bail of Manish Lakhotia has been preferred either by the State or de-facto complainant on the ground that the order was obtained on false representation. On the other hand, explanation with regard to incorrect recording of name of co-accused Ayush Mantri as Piyush Mantri is a plausible one.

6. Under such circumstances, we are inclined to grant anticipatory bail to the petitioner.

7. Accordingly, we direct that in the event of arrest, the petitioner viz., **Asha Devi Ganeriwla @ Asha Devi Ganeriwal** be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, to the satisfaction of the Arresting Officer and also subject to the conditions as laid down

under Section 482(2) of the BNSS. She shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

8. The application for anticipatory bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)