

12.11.2024
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as
[ALLOWED]

C. R. M. (A) 3836 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: ***Sri Mukesh Pakesaria @ Mukesh Patesaria & Anr.***
... .. Petitioners

Mr. Pawan Kr. Gupta,
Ms. Sofia Nesar,
Mr. Santanu Sett.
... .. for the petitioners

Mr. Joydeep Biswas,
Ms. Snigdha Saha.
... .. for the State

Mr. Shiven Ray.
...for the de-facto complainant.

1. Petitioners submit that they had not made any dishonest representation to the de-facto complainant. Co-accused viz., Manish Lakhotia has been granted anticipatory bail. Accordingly, they pray 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.5 lakh each was deposited in the petitioners' firm respectively.
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 petitioners (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 court during hearing.

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.5 lakhs each was credited to the petitioners' 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 on behalf of the State or de-facto complainant on the premise 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 petitioners.

7. Accordingly, we direct that in the event of arrest, the petitioners viz., **Sri Mukesh Pakesaria @ Mukesh Patesaria and Sri Samir Ganeriwal Samir Ganeriwala** be released on bail upon furnishing a bond of Rs.10,000/- each, 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. They 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.)