

13.11.2024
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SG
[ALLOWED]

C. R. M. (A) 3891 of 2024

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Thakurpukur Police Station Case No. 101 of 2024 dated 13.04.204 under Sections 120B/467/468/471/420/323 of the Indian Penal Code, 1860.

And

In Re: Swapna Basu.

... .. Petitioner

Mr. Aroni Bhattacharya.
Mr. Arka Naha,
Mr. Iman Dey Tapadar

... .. for the petitioner

Ms. Subhashree Patel,
Ms. Sreetama Das

... .. for the State

1. Petitioner submits claim of the *de facto* complainant as an operational creditor had been dismissed by NCLT. Subsequently, impugned criminal proceeding has been initiated. He prays for anticipatory bail.
2. Learned Advocate for the State opposes the prayer. She contends petitioner had manufactured a declaration stating claims have been settled which is forged.
3. We have considered the materials on record. Claim of the *de facto* complainant has been rejected by the appropriate tribunal. Impact of forging declaration absolving liability has to be assessed in the perspective of the aforesaid circumstance. The alleged forged document is in the custody of the investigating agency. Investigation is complete.

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

5. Accordingly, we direct that in the event of arrest, the petitioner viz. Swapna Basu shall 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 Bharatiya Nagarik Suraksha Sanhita, 2023. She shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)