19.11.2024
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Allowed

C.R.M. (A) No. 3975 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Hare Street Police Station Case No. 66 of 2024 dated 24.02.2024 under Sections 120B/420/467/468/471/424/403/406 of the Indian Penal Code.

And

In Re : Nandini Daga ..... petitioner

Mr. S. N. Mookherjee, Sr. Adv.
Mr. Sandipan Ganguly, Sr. Adv.
Mr. Ayan Bhattacharjee
Mr. Zulfiqar Ali Alquaderi
Ms. Manaswita Mukherjee
Mr. Saptarshi Banerjee
.....for the petitioner

Mr. Debasish Roy, learned PP
Ms. Rajnandini Das
....for the State

Mr. Sabyasachi Banerjee
Mr. Diptangshu Basu
Mr. Pujon Chatterjee
Mr. S. Bhattafcharyya
.... for de facto complainant

1. Learned senior Counsel for the petitioner submits she is wife of the principal accused Yashwant Kumar Daga. It is also contended she has been roped in case which arose out of family dispute. There are disputes and differences between Yashwant Kumar Daga and his father Pradip Kumar Daga, *de facto complainant.* Yashwant Kumar Daga had fraudulently deposited share transfer slips and illegally transferred shares of the *de facto complainant* to various accounts including that of

the petitioner. She is the mere name blender and did not play any active role in the transfer. Principal accused Yashwant Kumar Daga has been enlarged on interim bail. Petitioner prays for anticipatory bail.

2. Learned Public Prosecutor produces the case diary and opposes prayer for anticipatory bail. He submits investigation is in progress.

3. Learned Counsel for the *de facto complainant* submits petitioner and her husband had entered into conspiracy to transfer shares on the strength of forged documents. Shares were illegally transferred to the account of the petitioner and thereafter to other accounts till the civil suit has been instituted and an injunction has been passed against the petitioner and her husband.

4. We have considered the rival submissions at the Bar. Crux of the dispute centered around transfer of their shares owned by the complainant to the companies viz. *Deepak Industries Limited* and *Deepak Spinners Limited*. It is alleged fake share transfer applications were submitted and the complainant's share was transfer in favour of Yashwant Kumar Daga and his wife i.e. the petitioner. We are informed civil suit has been filed and an order of injunction restraining further transfer of shares has been passed. Principal accused Yashwant Kumar Daga was taken into custody and has been released on interim bail. Petitioner is the wife of Yashwant Kumar Daga and claims that she is the mere name blender of the account to

which transfer was made. There is no direct involvement of the petitioner in making share transfer applications in the company. On the other hand, it is contended there is family dispute and petitioner has been roped in out of grudge and vendetta. All relevant documents relating to the alleged fraudulent share transfer are within the custody or control of the investigating agency. In this backdrop we are of the opinion custodial interrogation for progress of investigation is not necessary. However, petitioner shall co-operate with investigation and hand over specimen signature and handwriting, if necessary, for purpose of investigation. Accordingly, we are inclined to grant anticipatory bail to the petitioner.

5. Accordingly, we direct that in the event of arrest the petitioner 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 be subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita and on condition that she shall appear before the jurisdictional court and pray for regular bail within a period of four weeks from date.

6. The application for anticipatory bail is, thus, allowed.

(Gaurang Kanth, J.) **(Joymalya Bagchi, J.)**