

21/05/2025

D/L 56
Ct. No.28
S.Kundu
Allowed

C.R.M.(A) 1690 of 2025

In Re:- An application for anticipatory bail under section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023/under Section 438 of the Code of Criminal Procedure. In connection with Uluberia police station case no. 121/2025 dated 23.3.2025 under sections 420/406 of the IPC.

In the matter of: Vijay Ajariwal & Ors.

... Petitioners

Mr. Rachit Lakmani
Mr. Karan Dudhwala
Mr. Lokesh Sharma

...for the petitioners.

Mr. Madhusudan Sur
Mr. A. Chatterjee

...for the State.

1. Learned counsel appearing for the petitioners submits as follows. The petitioners are a father and his two sons. The petitioner no. 1 has a business of 'Saree'. The de-facto complainant is the son of a vendor who used to design 'Saree' for the petitioner no. 1. There were transactions that took place between 2017 and 2022. About Rs.60 Lakhs was paid to the de-facto complainant's father for this period. In 2022, the de-facto complainant lodged a complaint before the local Police Station, but the same was settled. In 2025 a fresh FIR has been lodged for recovery of dues of about Rs.13 Lakhs by suppressing the long standing business relations that the adverse parties had. In fact, the FIR has been lodged to recover time barred debt because the last invoice that is being relied upon is of February, 2020. Pursuant to notices

issued by the police, the petitioners went and met them. Representations were not received by the Investigating Officer. So the same had to be sent to the Investigating Officer and superior Officer by post.

2. Learned counsel appearing for the State strongly opposes the prayer for anticipatory bail. He submits that a *prima facie* case is made out and investigation is still going on.
3. In view of the nature of allegations, the fact there was a long standing business relation between the two sides, which is not disclosed in the FIR and the fact that there was substantial part payment made earlier, I am inclined to grant anticipatory bail to the petitioners.
4. In the event of arrest, the petitioners 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 be subject to further conditions that the petitioners shall cooperate with the investigation and the petitioners shall not threaten or intimidate witnesses. The petitioners shall meet the I.O as and when required.
5. Accordingly, the application for anticipatory bail is allowed.
6. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)