

02.07.2025
Court No.28
Item No.14
ssi

CRM (A) 1775 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Suraksha Nagarik Sanhita in connection with Mejia PS Case No.55 of 2024 dated 02.05.2024 under Sections 409/420/120B of the Penal Code.

And

In the matter of: **Harjinder Singh.**

....Applicant/Petitioner.

Mr. Avik Ghatak
Mr. Soumya Nag
Mr. Aditya Tiwari

...for the petitioner

Ms. Anasuya Sinha, Ld. APP

..for the State

Mr. Sandipan Ganguly, Sr. Adv.
Mr. Dipanjan Dutt

..for the de facto

Learned counsel appearing on behalf of the petitioner submits as follows. The other co-accused in this case was the overall in-charge of sales of the de facto complainant company and the petitioner was only working under him since January 2024. The case was started on the ground that substantial sums due were not paid by the company Aadinath Infra Developers Pvt. Ltd. and Aadinath Steel. The other co-accused namely, Siddharth Purohit was granted anticipatory bail by a Division Bench of this Court on 29.08.2024 in CRM (A) 2951 of 2024. The petitioner stands on a better footing. In fact, although the FIR was registered on 02.05.2024, the complainant company continued with the petitioner's employment till 17.10.2024. The only allegation which comes out is a possible conflict of interest as the petitioner was allegedly found to be the owner of one "Devbhoomi Steel Traders" to

whom, upon instruction from the Aadinath, goods were supplied and allegedly not paid for.

Learned senior counsel appearing on behalf of the de facto complainant company submits as follows. The present petitioner stands on a different footing because he did not disclose to the company that he was the proprietor of the concern where some goods were supplied. The petitioner being the Area Sales Manager had authorized such transaction.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail, relies on the case diary and submits as follows. The GST documents are in the name of the concern, which belongs to the present petitioner. A Director of the accused Aadinath was in custody for some time and was granted bail.

It appears that the Division Bench of this Court after hearing all the parties including the de facto complainant had granted anticipatory bail to the other co-accused Siddharth Purohit under whom the petitioner was working. The said co-accused had been working in the concerned since 2023.

It is true that the petitioner did not disclose that he was the owner of the said other concerned "Devbhoomi Steel Traders". However, this can at best be termed as a conflict of interest. But, it has been the categorical stand of the de facto complainant company, as in the FIR as well as in the subsequent statement, that "M/s Aadinath Steel" often informed them to supply its ordered quantity to one "Devbhoomi Steel Traders". Therefore, even for those transaction, the said Aadinath Steel would remain liable.

Considering the materials available in the case diary, the roles ascribed to the present petitioner and the fact that a substantially similarly circumstance co-accused had been granted anticipatory bail earlier, I do not think that custodial interrogation of the petitioner is required in this case and I am inclined to grant anticipatory bail to the petitioner.

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, one of whom must be local, to the satisfaction of the Arresting Officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the BNSS, 2023 and on further conditions that the petitioner shall not threaten or intimidate witnesses and shall co-operate with investigation. The petitioner shall meet the I.O. once a fortnight till submission of report in final form.

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

(Jay Sengupta, J.)