15.07.2025
SL.38
Ct.No.28
NB

CRM (A) 2216 of 2025

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Bauria P.S. Case No.106 of 2025 dated 01.06.2025 corresponding to GR Case No.1434 of 2025 under Sections 316(2)/318(4)/3(5) of the Bharatiya Nyaya Sanhita, 2023 pending before the learned Additional Chief Judicial Magistrate, Uluberia.

And

In the matter of: Debashis Adhikary …. Petitioner

Mr. Abhra Mukherjee,
Mr. Sauradeep Dutta.
…for the petitioner.

Ms. Anasuya Sinha,
Mr. Shashanka Sekhar Saha.
...for the State.

Mr. Sandipan Ganguly Sr.Adv.,
Mr. Soumalya Ganguli.
…for the de facto complainant.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner joined the company in question on 01.09.2005. He was made General Manager in 2020. Suddenly, in 25th November, 2024, a show cause-cum suspension notice was issued to the petitioner. He replied to the same. Upon attaining the age of 61 years, he prayed for retirement. The company withdrew the suspension and allowed him to retire. He returned the items that were with him including the flat in question. Then he went to the office of the company demanding his dues and wrote several letters to this effect. But, he was not paid his dues. The last communication in this regard was made by the petitioner on 14.05.2025. As a counter measure, the company lodged the present FIR on 01.06.2025 after about seven months from the petitioner’s release from the company.

Learned senior counsel representing the de facto complainant submits as follows. The petitioner was an employee with the old management. Thereafter, IBC proceedings came in. The allegation against him is that he had transferred valuable assets to the son of the erstwhile director of the company. The assets include a phone where important OTPs from banks used to come.

Learned counsel appearing on behalf of the State strongly opposes the prayer for anticipatory bail. The petitioner did not comply with the notice issued. Secondly, during his suspension, he had requested a bank to transfer the SIM for the relevant phone to the son of the erstwhile Managing Director.

It appears that the petitioner was allowed to retire and he returned relevant items including the flat. It is also a fact that an FIR was lodged about seven months after his release from the company.

In view of the above and considering the materials available in the case diary, 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.

Accordingly, 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 Arresting Officer and subject to the conditions as laid down under Section 438 of the Code of Criminal Procedure, corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita and on further condition he shall cooperate with the investigation and shall meet the Investigating Officer as and when required and shall not threaten or intimidate witnesses or tamper with evidence in any manner whatsoever.

The application for anticipatory bail being **CRM (A) 2216 of 2025** is, thus, allowed.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)