

27.08.2025
Court No.28
Item No.52
tbsr
Allowed

CRM (A) 2678 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 **New Alipore** P.S. Case No.**38 of 2025** dated **20.03.2025** under Sections **420/467/468/471/406** of the Indian Penal Code.

And

In the matter of: Shibasish Chatterjee

....Petitioner.

Mr. Sabyasachi Banerjee
Mr. Angshuman Chakraborty
Mr. Mohit Banerjee
Ms. Monalisa Banerjee
Mr. Rudra Ghosh
Mr. S.S. Saha
...for the petitioner.

Mr. Aniket Mitra
Mr. Sandip Kundu
.....for the State.

Supplementary affidavit filed on behalf of the petitioner is taken on record.

Learned senior counsel appearing on behalf of the petitioner submits as follows. The petitioner has 50 per cent share in the partnership firm while three other partners own the rest 50 per cent. Taking advantage of the Covid pandemic, the other three partners somehow managed to restrain the petitioner from taking business decisions. However, when the firm was in trouble in 2024, it was the petitioner who invested about Rs. 84 lakhs in said business. He had approached to the civil Court praying for operational rights, which was granted. As a counter measure in January, 2025, the present de-facto complainant lodged a complaint. He alleged that since 2021

the digital signatures uploaded for running of the business of petrol pump were fake and the petitioner has siphoned off sum of Rs. 3 lakhs and odd. In fact, the petitioner has taken out about Rs. 5 lakhs from such business while the others had taken out more than Rs. 23 lakhs. The petitioner has taken out such money with the consent of the others and as per his rights. No fake digital signature whatsoever was uploaded by the present petitioner.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. However, he submits that the dispute is between four partners in the partnership business and the partnership business is still running. Relevant C1 forms had already been seized.

Considering the nature of allegations, the materials available in the case diary, the order passed by the civil Court in favour of the present petitioner and the fact that bulk of relevant materials have been seized by the Investigating Agency, 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 condition that the petitioner shall cooperate with investigation, shall meet the I.O. once

a fortnight till submission of report in final form and shall not threaten or intimidate witnesses.

The application for anticipatory bail is, thus, allowed.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)