

21.01.2025
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Ct. No. 26
S.D.
Allowed

C.R.M.(A) 4580 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure corresponding to Section 482 of the BNSS, 2023 in connection with **Karaya** Police Station Case No. **174** of **2024** dated **27.7.2024** under Sections **420/406/468/471/120B** of the Indian Penal Code pending before the Court of learned Chief Judicial Magistrate at Alipore.
And

In Re : **Abhijit Pahar & Ors.** petitioners
Mr. Sandipan Ganguly, Sr. Adv.,
Mr. Sabyasachi Banerjee
Mr. Jishnu Chowdhury
Mr. Anirban Dutta
Ms. Minal Palana
Ms. Priyanka Mukherjee
...for the petitioners
Mr. Siddhartha Mitra, Ld. Sr. Adv.,
Ms. Susmita Saha Dutta
Mr. Sanjoy Banerjee
Mr. Joydeep Bhattacharjee
...for the defacto complainant
Mr. Debasish Roy, Ld. P.P.
Mr. Rudradipta Nandy, Ld. A.P.P.,
Ms. Sanjana Saha
..for the State

Application for grant of anticipatory bail is specially assigned to this Bench.

Learned senior advocate appearing for the petitioners submits that, the petitioners were falsely implicated. He submits that, essentially the disputes *inter se* the private parties are amongst the family members and are civil in nature.

Learned advocate appearing for the State draws the attention of the Court to the materials on record in the case

diary. He submits that, in an earlier application for grant of anticipatory bail being C.R.M. (A) 2763 of 2016 in respect of South Bidhan Nagar Police Station Case No. 24 of 2016 dated February 9, 2016 under section 408/420/468/471/477A/120B of the IPC, the petitioners were denied anticipatory bail by an order dated May 18, 2016. He draws the attention of the Court to such order.

Learned advocate appearing for the State draws the attention of the Court to the memo of evidence and submits that, in course of investigations, the accused persons appeared before the Investigating Agency. The accused persons were asked to produce the minutes of the meeting of the Board of Directors of two legal entities, books of account of such legal entities, attendance registrar of the Board of Directors of the entities and the memorandum and articles of association of the two legal entities.

Learned advocate appearing for the State submits that, although the petitioners appeared before the Investigating Officer, the petitioners did not submit such documents. He contends that, those documents are vital for the purpose of progress with the investigations.

Learned senior advocate appearing on behalf of the defacto complainant submits that, the defacto complainant is the son of the deceased who was a shareholder and Director of the two legal entities. He submits that, the police case requires

investigations. Grant of anticipatory bail to any of the petitioners before Court will be inimical to the investigations. His client was shown to the present in Board meeting of the legal entities when his client was not present thereat. Decision to sell immovable properties was taken in such Board meeting, showing the defacto complainant to be present in such Board Meeting. He submits that, grant of anticipatory bail will not allow the Investigating Officer to unearth the complete details with regard to the allegations made in the police complaint.

We considered the rival contentions of the parties.

Death of the father of the defacto complainant occurred in 2011. As a member of their family, the petitioners and the deceased father of the defacto complainant were either shareholders or shareholder/Directors of certain legal entities.

A previous police complaint dated February 9, 2016 was lodged with South Bidhan Nagar Police Station which was registered as a First Information Report being South Bidhan Nagar Police Station Case No. 24 of 2016 dated February 9, 2016. Initially, anticipatory bail was not granted in C.R.M. (A) 2763 of 2016 with regard to such police case. The Court is informed that, the persons applying for anticipatory bail were enlarged on bail subsequently.

Court is also informed that in a proceeding under Section 397/399 of the Cr.P.C., South Bidhan Nagar Police Station Case No. 24 of 2016 dated February 9, 2016 came to be closed.

Materials on record in the case diary suggest that the complaint of the defacto complainant revolves around certain misdeeds allegedly occurring in respect of two limited liability companies. Apparently, the alleged misdeeds are documented, in the sense that the defacto complainant is allegedly shown as present in the Board Meeting while he claims he was not present thereat.

Petitioners before us appeared before the Investigating Authorities. Investigating Authorities wanted certain documents from the petitioners.

Learned senior advocate appearing for the petitioners submits, on instructions, that the documents sought for by the Investigating Authority as noted in the memo of evidence will be provided by the petitioners within seven days from date. He submits, on instructions, that his client is not in management and control of M/s. Suvridhhi Developers. His client will produce the documents relating to CityScape Developers Private Limited to the Investigating Agency.

The memo of evidence dated December 23, 2024 of the Investigating Authority refers to CityScape Developers Private Limited and M/s. Suvridhhi Developers.

We do not find immediate need for custodial interrogation of any of the petitioners. Allegations in the police complaint largely relate to affairs of legal entities. Allegations relate to period from the death of the father of the defacto complainant.

A considerable period of time elapsed between the incidents alleged and the police complaint.

In such circumstances, we grant anticipatory bail to the petitioners.

Accordingly, we direct that 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, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 482(2) B.N.S.S. The petitioners will report before the Investigating Officer once a week till the conclusion of the investigations. The petitioners shall appear on every date before the Jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

