

10.11.2020

The bail petition no. 740/2020 is filed u/s 438 CrPC by the petitioners, Sri Arjun Chetry, Smti Laxmi Chetry and Sri Amarjit Singh Rihal in connection with Gingia PS Case No. 172/2020 u/s 120-B/420/465/467/468/471/406 IPC apprehending arrest in the instant case.

Heard learned counsel for both the sides.

The learned counsel for the petitioners submitted that the petitioners are innocent but they apprehend arrest in this case.

The case diary as called for is received.

The informant in his lengthy 'ejahar' dated 12.10.2020 in a nut shell stated that he is the first Director of Ratowa Tea Producer Company Ltd and the accused petitioner Arjun Chetry is one of the Directors and he wants complete control over the Company. He alleged that the accused Arjun fraudulently obtained signatures of members of the Company in order to sell their shares. On that day in the website of the Ministry of Corporate Affairs, he saw his name being struck out from the list of Directors of the Company and name of the accused petitioner Amarjit Singh Rihal has been instead inserted in its place. He never resigned from the post of Director but he was shocked to see that someone has signed his resignation letter in his name. He further stated that the accused petitioner Laxmi Chetry had earlier resigned as Director of the Company but she approved the said forged resignation letter. The informant alleged that the accused Arjun Chetry in order to establish his majority fraudulently signed his resignation letter in collusion with his wife, Laxmi Chetry.

It appears from the contents of the 'ejahar' that the informant suspects the accused petitioners to have acted in collusion to forge his signature and got his name struck out from the list of Board of Directors of the Company.

The case diary shows that till date no concrete materials could be collected against the accused petitioners to show their complicity with the offences charged against them. Considering the nature of allegations leveled against the accused petitioners and the materials so far collected against them as revealed by the case diary, I find that custodial interrogation of the accused persons are not warranted. This is a fit case wherein the benefit of pre-arrest bail can be extended to the accused petitioners. Hence, the petition is allowed.

Accordingly, the O/C of Gingia P.S. is directed to release the petitioners in the event of their arrest in connection with the instant case, after obtaining bail bonds of Rs.10,000/- each with one surety of the like amount on the conditions that- (1) the petitioners shall surrender before the O.C. of the concerned P.S. within two days, (2) the petitioners shall make themselves available for interrogation by the Investigating Officer as and when required, (3) they shall not hamper the investigation or tamper with the evidence of the case, (4) they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to the Investigating Officer.

Inform the O/C of the concerned P.S.

Send back the case diary.

The Misc. Case is disposed of, accordingly.



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