

12.08.2025
Sl. No.30
NB

C.R.M. (A) 2473 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 GR Case No.6377 of 2024 arising out of Raninagar P.S. Case No.759 of 2024 dated 23.12.2024 under Sections 318(4)/316(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: Saibur Islam Chowdhury @ Subha Chowdhury
@ Suvo Chowdhury ... petitioner

Mr. Sabir Ahmed,
Mr. Abdur Rakib,
Mr. Shraman Sarkar,
Mr. Tasnim Ahmed,
Mr. Dhiman Banerjee,
Mr. Quazi Ezaz Ahmed.
...for the petitioner.

Mr. Ayan Bhattacharjee,
Mr. Md. Zohaib Rauf.
...for the State.

Mr. Pawan Kumar Gupta,
Ms. Sofia Nesar,
Mr. Santanu Sett.
...for the de facto complainant.

Learned counsel representing the petitioner submits as follows. A few months before the instant FIR, the petitioner was constrained to lodge a complaint when a phone call came to him demanding money on a threat to abduct him claiming that an agent of him had taken money in his name. The petitioner was made an accused in the instant FIR along with some others. It is alleged that the petitioner and some others had taken money from the victims claiming to invest them in a business of import and export and thereafter, did not return the money back to the alleged victims. The petitioner is not at all aware of any such activity. However, he has

learnt that another co-accused might have indulged in some kind of fraud, but is not being proceeded against by the Investigating Agency. The Investigating Officer time and again called the present petitioner, although not by giving a formal notice and threatened him to pay the money back. As regards the properties which in respect of which a proceeding has been initiated by the Magistrate under Section 107 of the BNSS, the land was purchased way back in the year 2021, which was much before the date of occurrence for the alleged crime that supposedly started in 2023. A property consisting of a building cannot be sold without the land. Therefore, no proceeding under Section 107 of the BNSS will lie. The petitioner wants to cooperate with the investigation and on any condition, anticipatory bail may be granted.

Learned senior counsel representing the State relies on the report filed, which is taken on record and the case diary and submits as follows. The petitioner is the main architect of the racket to obtain money from villagers by luring them to give good returns on some imaginary import-export business. The money was obtained through agents in cash. The total amount of money, thus far collected, exceeds Rupees Three Crores. In the case diary, there are statements of 36 victims recorded by the police and 06 victims recorded before learned Magistrate. There are about 100 victims in all. There are bank statements showing that the money in question after collection went from the agents to the account of the present petitioner's concern. Some money from the co-accused went to the credit card account of the petitioner and some of it went to the vendors who were supplying materials for construction of the building in question. Therefore, there is a clear money trail

available. Moreover, there are receipts available from some of the victims signed either by the petitioner or a co-accused.

Learned counsel appearing on behalf of the de facto complainant strongly opposes the prayer for anticipatory bail and submits that as a matter of practice, the victims who belonged to a particular community and faith did not put their money in bank, so as not to earn interest as the same was barred as per their faith.

Considering the serious nature of allegations leveled against the petitioner, the incriminating materials available in the case diary including the statements of victims, some recorded before the learned Magistrate, copy of receipt for taking money in some cases, the document showing the money trail and the innumerable victims allegedly cheated in such fashion, I do not consider this to be a fit case for granting anticipatory bail to the petitioner.

The application for anticipatory bail being **C.R.M. (A) 2473 of 2025** is, thus, rejected.

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.)