

16.09.2025
Court No.28
Item No.33
tbsr
Allowed

CRM (A) 2908 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Karimpur** P.S. Case No.149 of 2025 dated **18.07.2025** under Sections **318(4)/316(2)** of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: Subodh Kumar Mondal

....Petitioner.

Mr. Debabrata Roy
Ms. Karabi Roy
Mr. Soumik Mondal
Ms. Sarbani Mukherjee
...for the petitioner.

Mr. Antarikhya Basu
Ms. Ankita Paul
.....for the State.

Mr. Rabiul Islam
....for the de-facto complainant.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner became the Manager of the Co-operative Society in the year 1982. His superannuated in 2020. By a resolution, his term as Manager was extended by five years. From 2022 there was no elected Board. A new elected Board came in 2024. On 11.07.2024 the petitioner's service was terminated. On 23.07.2024 the Board took charge of all papers from the petitioner. It started raising disputes thereafter although audit had taken place as required every year. Even questions were asked about deals taking place in 2017-18. The prime allegation was that the petitioner allegedly sold away properties of the Society including a tractor. As would appear from the Inspection Report dated 06.05.2025 of the Co-

operative Development Officer, the tractor in question was sold as per resolution of the Board dated 26.09.2019.

Learned counsel appearing on behalf of the State strongly opposes the prayer for anticipatory bail. He submits that the tractor was sold away by a special power of attorney given by the Manager. There are other incriminating materials available in the case diary.

Learned counsel appearing on behalf of the Society/de facto complainant opposes the prayer for anticipatory bail. He submits that the termination as Manager was affirmed by Courts.

It is indeed very surprising that although the petitioner's service was terminated on 11.07.2024 and the Board took charge of all documents on 23.07.2024, yet the FIR was lodged only on 18.07.2025. Some of the documents concerning the alleged fraud have been seized.

Considering the fact that the FIR was lodged only in July, 2025 although the Board had taken charge of the functioning in July, 2024, the fact there had been yearly audit reports for the said concerned and 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.

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. However, in the interest of justice and let the investigation of the case be conducted under the direct supervision of the SP, Krishnanagar, Nadia.

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.)