

07
25.09.2025
Ct.No.34
b.das
Rejected

C.R.M. (M) 1712 of 2025

In Re : An application for bail under Section 483 of BNSS, 2023 filed in connection with Tollygunge PS/DD Case No.184 of 2025 dated 02.08.2025 under Sections 406/408/420/467/468/471/120B of the Indian Penal Code.

And

In Re : **Amitava Saikia** ... Petitioner.

Mr. Sandipan Ganguly, Sr. Adv.

Ms. Reshmi Ghosh

Ms. Satabdi Das ... for the petitioner.

Mr. Debasish Roy

Ms. Anasuya Sinha

Ms. Pushpita Saha ... for the State.

Ms. Manju Agarwal

Ms. Anju Manot

Mr. Anirban Dutta

Ms. R. Hallen

Mr. L. V. Kumar

Mr. S. Saha ...for the de facto complainant.

Heard learned counsels for the parties.

The petitioner is in custody for about 36 days and prays for bail.

Learned counsel for the petitioner submits that the petitioner placed purchase order for establishment of Psychometric lab before the de facto complainant and the deal was finalized at Rs.35,400,000/-. Upon delivery of the same, the petitioner found that the outdoor and indoor chiller capacity of the plant was not in accordance with the proposal agreed upon. A meeting was held between the companies of the petitioner and the de facto complainant

and it was decided that the outdoor chiller capacity would be enhanced to 36 tonnes from 18 tonnes.

Learned counsel submits that the case is based on documentary evidence. There was no intention of the part of the petitioner to cheat the de facto complainant at the inception of the transaction. No forgery of the documents has been alleged. Further detention of the petitioner is not required and he may be granted bail.

Learned counsels for the State and the de facto complainant oppose the prayer.

I have considered the material on record. It appears that though it was impressed upon the de facto complainant that the project obtained approval of RDSO, no such approval was in fact granted by the relevant authority.

Material collected in course of investigation reveals that the cooling capacity of the plant was 18.5 TR and could not be enhanced to 36 tonnes. The relevant certificate appears to have been forged/manufactured by the petitioner.

Material available in the case diary implicates the petitioner in the alleged offence *prima facie* suggesting his *mens rea* since inception of the transaction. Investigation is at a nascent stage.

Considering the material on record and *prima facie* involvement of the petitioner in the alleged offence, prayer for bail is rejected at this stage.

The application for bail is thus disposed of.

Case diary be returned.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)