

28.11.2025
Sl. No.16
NB

CRM (A) 3544 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 Park Street PS Case No.0147/2025 dated 26.08.2025 under Sections 316(2)/318(4)/336(2) of the BNS, 2023.

And

In the matter of: Utpal Mandal

... petitioner

Mr. Sudip Patra,
Mr. Prem Prakash,
Ms. Shruti Jain.
...for the petitioner.

Mr. Madhusudan Sur,
Mr. Samarjit Balial.
...for the State.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner was an employee of the de facto complainant. The de facto complainant was having some tax problems. That is why he transferred some money to the bank account of the petitioner and even asked him to distribute the sum as salary to his employees. This was only meant to avoid tax implication.

Learned counsel appearing on behalf of the State strongly opposes the prayer for anticipatory bail. He submits that as per the de facto complainant, the petitioner took a sum of little more than Rupees 25 lakhs as a margin money to obtain a loan for establishing another restaurant. After taking the money, the petitioner simply vanished. Notices were given by the Investigating Officer, but, were not complied with by the petitioner.

One wonders what advantage the petitioner could have derived by sending an amount officially to the bank account of the de facto complainant in saving tax.

Be that as it may, considering the incriminating materials available in the case diary and the fact that the petitioner has not responded to the notices issued under Section 35(3) of the BNSS, I do not consider this to be a fit case for granting anticipatory bail to the present petitioner.

The application for anticipatory bail being **CRM (A) 3544 of 2025** is, thus, rejected.

The presence of the Investigating Officer is noted and is dispensed with.

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.)