

09/12/2025
D/L – 17
Court No.28
S. Kundu
Allowed

C.R.M.(A) 3650 of 2025

In Re: An application for anticipatory bail under Section 482 of the BNSS, 2023. In connection with Panchla P.S case no. 305 dated 20/9/2025 under section 318(4)/316(2) of the BNS.

In the matter of: Sri Pawan Kumar Rajgaria

...Petitioner.

Mr. Krishnendu Bhattacharyya
Mr. Subham Bhattacharyya
Mr. Rajib Mullick
Ms. S. Mukherjee

...for the petitioner.

Mr. Pawan Kr. Gupta
Ms. Sofia Nezar
Mr. Santanu Sett

...for the de-facto complainant.

Mr. Arindam Sen
Mr. A. Sinha

...for the State.

1. Leave is granted to correct the cause title.
2. Learned counsel appearing for the petitioner submits as follows. The de-facto complainant had invested a sum of Rs. 1.01 Crore in the petitioner's company in the year 2022. In 2022 an IBC proceeding commenced. On 14th November, 2024 a moratorium was issued in the proceeding under the IBC. Yet, the present FIR was lodged only in 2025. It has been admitted that a part payment has already been made. The petitioner has cooperated with the investigation by responding to the notice issued.

3. Learned counsel appearing for the de-facto complainant strongly opposes the prayer for anticipatory bail. He submits that there was no question of investing with the petitioner's company. The money was taken for a land deal without disclosing that a litigation was pending in respect of the land.
4. Learned counsel appearing for the State opposes the prayer for anticipatory bail. He relies on the statements and other documents. He also submits that the petitioner did not satisfactorily comply with the notice issued.
5. Considering the materials available in the case diary, the fact that a part payment was admittedly made and that the petitioner has cooperated with the investigation by meeting the Investigating Officer, 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.
6. In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- each 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 further conditions that the petitioner shall cooperate with the investigation and shall not threaten or intimidate the witnesses. The petitioner shall meet the I.O once a fortnight till submission of report in final form.

7. Accordingly, the application for anticipatory bail is allowed.
8. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)