

24/11/2025
D/L – 6
Court No.28
S. Kundu
Rejected

C.R.M.(A) 3924 of 2025

In Re: An application for anticipatory bail under Section 482 of the BNSS, 2023. In connection with Tollygunge P.S case no. 184 of 2025 dated 2.8.2025 under Sections 406/408/420/467/468/471 and 120B of the IPC.

In the matter of: Sumit Ahlawat

...Petitioner.

Mr. Hitesh Verma
Mr. Rajdatta Chattopadhyay
Ms. Risha Das
Mr. Krishan Kant Jamini
Mr. Sekhar Malik
Mr. Dibyendu Banerjee

...for the petitioner.

Mr. Phiroze Edulji
Mr. Vishal Kumar
Mr. Aritra Ranjan Duttaroy

...for the de-facto complainant.

Mr. Debasish Roy
Mr. Madhusudan Sur
Mr. Pravas Bhattacharyya

...for the State.

1. Vakalatnama filed in Court on behalf of the de-facto complainant is taken on record.
2. Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner has been falsely implicated in this case. Two co-accused were granted default bail, while the application for bail of a co-accused was rejected by a coordinate Bench of this Court. Tollygunge Police Station does not even have the jurisdiction to entertain the complaint. Everything happened in Noida, U.P. Only money was allegedly sent by the purchaser from Kolkata. This is purely a civil

dispute. Actually, the de-facto complainant withheld certain money, although the petitioner's side had done their job of installing psychometric lab. Out of a total transaction amount of Rs.3.5 Crores, only Rs.2.97 Crores was paid. A letter was accordingly given to the petitioner on 21.8.2024 asking for payment of rest of the money. This prompted the de-facto complainant to lodge an FIR, that too on 2.8.2025. The allegation of forgery is against the another accused and not the present petitioner.

3. Learned Public Prosecutor appearing on behalf of the State opposes the prayer for anticipatory bail. He relies on the case diary and submits as follows. Although the installation certificate the petitioner mentioned the capacity of cooling to be 36TR, actually it was found to be only of 18.5TR. At page 52 of the case diary there is copy of the false certificate given by the petitioner that the chilling capacity for the outdoor chamber was 36 tons and for the indoor chamber was also 36 tons. In fact, even as on 5.7.2025 the accused agreed that the chilling capacity would be enhanced from 18.5 tons to 36 tons. Reliance is placed on a document present at page 49 of the case diary. The petitioner and the other accused had the intention to cheat from the very inception. They had e-mailed and made misrepresentations. They even relied upon fake documents to show that their product was approved by the RDSO, while the RDSO by their emails

specifically said that the petitioner had neither applied for any approval nor was given any. Reference is made in this regard to documents present at page 97 and 98 of the case diary. Even the LG had by a communication clarified that the cooling capacity of 18.5TR could not be enhanced to anything more. Reference is made on a communication present at page 362 of the case diary. On similar footing, another co-accused was even denied bail by a coordinate Bench of this Court on 25.9.2025 in CRM(M) 1712 of 2025.

4. Learned senior counsel appearing for the de-facto complainant strongly opposes the prayer for anticipatory bail. He submits that the FIR could be lodged after a while because the accused continuously misrepresented and even falsely vouched that the capacity could be enhanced, as would be evident from a promise made as late as in July, 2025.
5. This is not a proverbial civil dispute arising out of a commercial transaction. Here, there are allegations of passing off an unapproved product of lower capacity as an approved product of higher capacity by resorting to clear misrepresentations and alleged reliance on fake documents.
6. Considering the incriminating materials available in the case diary including statements and documents pertaining to the initial misrepresentation about the

cooling capacity, the communication made by the RDSO regarding non-approval and by the LG as to whether the cooling capacity could at all be enhanced or not and the fact that a substantially similarly circumstance co-accused was denied bail by a coordinate Bench of this Court, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, the application for anticipatory bail is rejected.

7. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)