

31. 09.04.2025
Court
No.1 (Papiya)

Allowed

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE

CRM (A) 271 of 2025

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 / Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Siliguri Police Station Case No. 83 of 2025** dated **03/02/2025** under Sections **316(2)/318(2)/318(4)/61(2)** of the Bharatiya Nyaya, 2023.

And

In the matter of: - **Hemendra Hiralal Jain.**

...petitioner.

Mr. Milindo Paul, Adv.
Mr. Nabankur Paul, Adv.
Ms. Sutapa Sen Paul, Adv.
Ms. Bedasruti Bose, Adv.
Mr. Subham Das, Adv.
Mr. Bodhisatya Ghosh, Adv.

...for the petitioner.

Mr. Nilay Chakraborty, Ld. APP.
Ms. Sukanya Adhikary, Adv.

...for the State.

Mr. Arnab Sengupta, Adv.
Mr. Deborshi Dhar, Adv.
Mr. Rahul Agarwal, Adv.

...for the *de facto* complainant.

1. The allegation is of cheating. It is alleged that a partnership firm, of which the petitioner was a partner, received more than Rs. 1 Crore from the *de facto* complainant for supply of jewellery. However, the jewellery was never delivered to the *de facto* complainant.
2. Learned Advocate for the *de facto* complainant says that the petitioner is involved in a huge scam. Charge sheet is yet to be

filed. He strongly opposes the petitioner's prayer for anticipatory bail.

3. Learned State Advocate produces the case diary from which I see that the petitioner resigned from the said partnership firm on September 2, 2024. A formal deed of retirement was executed on November 22, 2024. He also says that even prior to resignation, he was a sleeping partner of the firm.
4. On an overall assessment of the material on record and the nature of the complaint, which has a civil flavor, I am of the view that immediate custodial interrogation of the petitioner may not be necessary so long as he fully cooperates with the Investigating Officer.
5. Hence, I am inclined to **allow** his prayer for anticipatory bail.
6. Accordingly, in the event of arrest, the petitioner, namely, **Hemendra Hiralal Jain**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023, until further orders and on further condition that the petitioner shall meet the Investigating Officer of this case once in a fortnight and as and when call for, until further orders. Within seven days from date, the petitioner shall go and meet the Investigating Officer of this case.
7. The application for anticipatory bail being CRM (A) 271 of 2025 is, thus, **allowed** and disposed of.

8. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)