

24.11.2025
Item no.1
Court No.3
ss
(Allowed)

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (A) 576 of 2025

In Re:- An application for anticipatory bail under Section 482 of BNSS corresponding 438 of the Code of Criminal Procedure in connection with Coochbehar Kotwali Police Station Case No.541 of 2025 dated 11.06.2025 under Sections 316(2), 318(2), 318(3), 318(4), 61(2), 126(2), 303(2), 351(2), 3(5) of the Bhartiya Nyaya Sanhita, 2023 corresponding to G.R. Case No.1088 of 2025 pending before the learned Chief Judicial Magistrate at Coochbehar. .

In the matter of : **Raja Mandal**

... Petitioner.

Mr. Sudipto Kr. Majumder, Sr. Adv.
Mr. Sourav Ganguly
Mr. Subhankar Dutta
Ms. Rishita Chakraborty

... for the petitioner

Mr. Abhijit Sarkar
Mr. Dhiman Sil.

.....for the State.

Mr. Subhasish Misra

... for the *de facto* complainant

1. Report filed by the State is taken on record.
2. Learned Senior Advocate for the petitioner submits that by dint of an oral partnership agreement by and between the complainant and petitioner, the complainant invested a sum of Rs.70 lacs out of Rs.1.44 crore at the initiation for running a Gym. The allegations of misappropriation and cheating are mutually exclusive. The amount that has

been transacted by the complainant to the accused is a result of a contractual obligation. The petitioner is all along trying to comply the order of this Court passed on 8th September, 2025. However, due to non-cooperation of the investigating agency, the petitioner could not meet the Investigating Officer, which will be evident from the letter of the petitioner addressed to the Inspector-in-Charge, Coochbehar Kotwali Police Station dated 18th September, 2025, annexed to the supplementary affidavit. The petitioner is ready and willing to cooperate with the investigation. To buttress his contention, he relies on an order of the coordinate Bench of this Hon'ble Court passed in *CRM(A) 320 of 2025 (in re: Pronab Sankar Sarkar)* with *CRM(A) 321 of 2025 (in re: Chandan Shil)*. He seeks for grant of anticipatory bail to the petitioner.

3. Learned Advocate for the State, opposing such prayer of anticipatory bail, submits that the investigation is under progress. A huge sum of Rs.1.44 crore is involved in the present case. The complainant was duped by the petitioner to part with a huge sum. Further, the petitioner has not complied with the order of this Court though several attempts were made by the investigating agency to serve notice under Section 35(3) of BNSS. He seeks for dismissal of the application for grant of anticipatory bail.
4. Similarly, learned Advocate for the *de facto* complainant submits that primarily the fact as revealing from the

records shows of criminal breach of trust. An agreement was entered by and between the parties for sharing the profits. On such basis an amount of Rs.70 lacs and odd has been transferred by the complainant to the account of the petitioner online. However, till date no payment has been received by the complainant regarding the profits of the business. He files copy of the agreement dated 30th April, 2022 which is take on record. He seeks for dismissal of the application for grant of anticipatory bail.

5. Perused the case diary and the materials on record.
6. Admittedly, it appears that the amount has been paid by the complainant to the accused for running the business of Gym. The deed of partnership as produced by the learned Advocate for the *de facto* complainant dated 30th April, 2022 shows that the partnership agreement has been entered by and between the complainant and the petitioner for sharing the profits of business. Thus, the disputes between the parties arise out of contractual obligation. With regard to the allegation of non-cooperation of the petitioner in the investigation and the counter allegation, it will be appropriate to direct the petitioner to cooperate with the investigating officer. In view of the above, I am inclined to grant the prayer of the petitioner for anticipatory bail.
7. Accordingly, in the event of arrest the petitioner namely **Raja Mandal** shall be released on bail upon furnishing a

bond of Rs.10,000/- with two sureties of like amount each, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of BNSS and shall meet the Investigating Officer once in a fortnight, until further order. The petitioner is directed to join investigation and cooperate with the Investigating Officer. The petitioner shall attend the court on the date fixed for appearance.

8. In default the jurisdictional Court shall pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.
9. This application for anticipatory bail is allowed.
10. **CRM (A) 576 of 2025** is, thus, disposed of.

(Bivas Pattanayak, J.)