

06/01/2026
D/L – 8
Court No.28
S. Kundu
Allowed

C.R.M.(A) 196 of 2025

In Re: An application for anticipatory bail under Section 482 of the BNSS, 2023. In connection with Sonarpur P.S case no. 1391 of 2024 dated 20/10/2024 under sections 420/406/467/468/470 of the IPC.

In the matter of: Samir Kumar Mondal @ Samir Mondal & Ors.

...Petitioners.

Mr. Ayan Bhattacharyya, Sr. Adv.
Mr. Soumya Basu Roy Chowdhuri
Ms. Joysri Sarkar

...for the petitioners.

Mr. Avik Ghatak
Mr. Akash Ghosh

...for the de-facto complainant.

Mr. Debasish Roy
Mr. Joydeep Roy
Ms. Eshita Dutta

...for the State.

1. Learned counsel appearing for the petitioners submits as follows. The petitioners run a non-profit educational institution. The de-facto complainant was also a member of the Board. There were disputes and differences between the petitioners and the de-facto complainant. A number of legal proceedings have been instituted by and between them. Out of such animosity, the de-facto complainant has lodged the present criminal case alleging the misappropriation of funds and forgery. In fact, during the pendency of the proceedings, there was a talk of settlement. By an order dated 17.1.2025, a Division Bench of this Court, which was in seisin of the present matter, granted an interim order not to arrest the

petitioners on the condition that the petitioners would cooperate with the investigation. The petitioners have duly cooperated with the investigation and all possible relevant documents have been seized by the Investigating Agency. The allegation of forgery is denied. However, the document pertains to the alleged forgery was an application for obtaining loan. The loan was thereafter repaid. The petitioner nos. 2 and 3 are only name lenders. In fact, the petitioner no. 3 is the daughter of the petitioner no. 1 and she is a medical student.

2. Learned counsel appearing for the de-facto complainant opposes the prayer for anticipatory bail. He submits that there is a clear case of forgery made out. While the de-facto complainant and his wife were removed from the institution on 3.2.2022, the application for loan was made in April, 2022. Half of the land in question on which the school stands belongs to the wife of the de-facto complainant while the other half belongs to the petitioner no. 2.
3. Learned counsel appearing for the State strongly opposes the prayer for anticipatory bail. He denies the contention of the petitioners that no cash deposits were made in the accounts of the petitioners. He relies on the forensic audit report in this regard. He also relies on the expert report, which opines that the signature contained in the loan application does not belong to the wife of the de-facto complainant. Reliance is placed on the Civil

Engineer's report regarding the affiliation of the school.

The school was not affiliated.

4. If the question is whether the school was being run illegally without affiliation, then not only the petitioners but also the de-facto complainant and his wife would be responsible for the same.
5. It appears that the petitioners have enjoyed interim protection from arrest for a considerable period of time and they have cooperated with the investigation as directed. It is also claimed that the loan which was obtained by alleged use of forged document was repaid.
6. Considering the above, the fact that the most of the relevant documents have already been seized in this case and the fact that the petitioners were running the school along with the de-facto complainant and his wife for a considerable period, I do not think that custodial interrogation of the petitioners is required in this case and I am inclined to grant anticipatory bail to the petitioners.
7. In the event of arrest, the petitioners 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 petitioners shall cooperate with the investigation and shall not threaten or intimidate the witnesses. The petitioner no. 1 shall meet the I.O once a week till submission of report in final form.

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

(Jay Sengupta, J.)