

16.04.2026
Court No.28
Item No.10
ssi

CRM (R) 38 of 2026

In Re: - An application under Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of the BNSS, 2023 read with Section 45 of the Prevention of Money Laundering Act, 2002.

And

In the matter of: **Abhishek Bansal @ Rahul @ RM.**

.... Petitioner (in custody).

Mr. Ayan Bhattacharjee, Sr. Adv.
Mr. Shounak Mondal

...for the petitioner

Mr. Adil Rashid
Ms. Aparna Sarkar

...for the ED

Written notes filed on behalf of the Enforcement Directorate is taken on record.

Learned senior counsel appearing on behalf of the petitioner submits that the petitioner is in custody in connection with the present case for nine months and in connection with the another criminal case since November 2024. The present prayer for bail has been made because of the illness of the petitioner's mother. There are two treatments which are to be done. First, the battery of the ICD is to be replaced and secondly, a femur fracture has to be repaired. It is submitted that there is no one else in the family to look after such medical treatment. A Co-ordinate Bench of this Court, however, has rejected the prayer for the petitioner's bail filed on the ground of such medical requirement on 13.04.2026 in CRM (M) 872 of 2026. Nevertheless, liberty was granted to the petitioner to pray for parole before the concerned authorities in case the mother of the petitioner

was admitted for surgery in a nursing home within the jurisdiction of Siliguri.

Learned counsel appearing on behalf of the Enforcement Directorate strongly opposes the prayer for bail. He submits that the case pertains to the infamous betting scam. In the present case, copies have been supplied and charges are to be framed. In the other criminal case, eight witnesses have already been examined out of a total of 144 witnesses. There are other family members of the petitioner who can take care of the petitioner's mother.

Incidentally, certain observations were made by the Co-ordinate Bench while passing the order. The submissions of the State as recorded in the order rejecting bail in another criminal case included that while the petitioner was apprehended in the said case in November 2024, the treatment of the mother had commenced on and from May 2024; none of the medical documents relied upon would show that the present petitioner had ever participated during the first six months for such treatment for the femur fracture; apparently these facts were not disputed by the learned counsel for the petitioner.

Considering the above and the other materials available in the case diary, this Court is not inclined to grant bail to the petitioner.

However, the issue of treatment has been taken note of and certain appropriate directions have been passed by the Co-ordinate Bench of this matter.

Therefore and in the interest of justice, if the mother of the petitioner is admitted for surgery in a nursing home within the jurisdiction of Siliguri and an application is preferred in connection

with the instant case for releasing the petitioner on parole, the concerned Superintendent of Correctional Home, for a limited period, as he/she would be fit and proper, would release the petitioner with proper escort. Prior to the release, the Correctional Home authorities would inform the jurisdictional Court in seisin of the case and subsequent to the petitioner returning to the Correctional Home, the same would also be informed to the learned jurisdictional Court.

With these observations, CRM (R) 38 of 2026 is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)