16.06.2026
Court No.28
Item No.74
tbsr
Reject

CRM (A) 1611 of 2026

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Contai** P.S. Case No. **419 of 2025** dated **08.07.2025** under Sections **316(2)/318(4)/61(2)** of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: Sambhu Nath Karikar

....Petitioner.

Mr. Sourov Mondal
...for the petitioner.

Mr. Subrata Mukherjee
....for the State.

Report filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. This is a second application for anticipatory bail filed on the changed circumstance that in connection with an earlier case started at the behest of the present petitioner, a co-ordinate Bench of this Court directed re-investigation. He refers to the order dated 24.02.2026 passed by a co-ordinate Bench of this Court in WPA 25835 of 2025 thereby directing that the complaint lodged by the petitioner should be sent to the Director of Economic Offences being the 16th respondent therein for taking necessary steps and the Investigating Officer of that case was directed to make over the case diary with all relevant documents to the concerned Officer. The petitioner is himself a victim of the alleged fraud in question for which he had lodged a complaint in 2023. The petitioner was investing money in crypto currency. The principal accused had misappropriated the funds of all the investors and did not provide any returns. On account of such conduct, the petitioner was constrained to file an FIR. He also filed the writ petition in question.

Learned counsel appearing on behalf of the State relies on the case diary and strongly opposes the prayer for anticipatory bail. He refers to the memo of evidence, the statements of witnesses, the documents collected including the bank statements and submits that the money of the investors were routed through the accounts of the petitioner and others and thereafter transferred for investment in crypto currency. The petitioners were actively involved in the scheme, which affected a large number of investors including the de facto complainant in the present case. Amounts were credited to the accounts of the petitioner and another. During Investigation, it was revealed that the petitioner organized meetings within the Contai area, falsely claiming to promote investment products such as shares and mutual funds and induced the public by promising high and unrealistic returns. He collected money from multiple investors and subsequently failed to return the same. A co-accused actively assisted him in participating in such meeting, handling communications and facilitating the collection of funds. By an order dated 06.01.2026 passed by this Court in CRM(A) 3790 of 2025 the petitioner’s application for anticipatory bail was turned down while the other co-accused was granted anticipatory bail also because the said accused was a lady.

It appears that by a reasoned order dated 06.01.2026 passed in CRM(A) 3790 of 2025 the application for anticipatory of the present petitioner was turned down by this Court.

It is not unheard of that an actual perpetrator of crime himself goes to the police to file an FIR to save his own skin. He may even have a claim against a co-accused. However, all these aspects would have to be looked into by the Courts of law at the appropriate stage.

It is also not apparent from the order dated 24.02.2026 passed by the co-ordinate Bench in WPA 25835 of 2025, which was passed after rejection of anticipatory bail of the petitioner in the present case, that the petitioner had disclosed about such facts before the said co-ordinate Bench.

This is clearly a second application for anticipatory bail without there being any substantial or material change in circumstance.

Accordingly, the same is reject as not maintainable.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)