

19.01.2026
Court No.28
Item No.18
tbsr
Allowed

CRM (A) 3351 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Bidhannagar (East)** P.S. Case No.**59** dated **30.07.2025** under Sections **336(3)/340(2)** of the BNS 2023.

And

In the matter of: Manoj Kumar Garodia

....Petitioner.

Mr. Sandipan Ganguly, Sr. Adv.
Mr. Krishnendu Bhattachariya
Mr. Rajib Mullick
Ms. Sonia Mukherjee
Mr. Subham Chatterjee
....for the petitioner

Ms. Sreyashee Biswas
Ms. Puja Goswami
....for the State

Mr. Tarique Quasimuddin
Mr. Abbas Ibrahim Khan
Mr. Yasar Azmi
....for the de facto complainant

Supplementary affidavit filed on behalf of the petitioner is taken on record.

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

Learned senior counsel appearing on behalf of the petitioner submits as follows. In 2011, the de facto complainant entered into a joint venture agreement with the owners of land for its development. However, he failed to execute the said agreement. In 2015, he approached the petitioner for providing financial assistance. Pursuant thereto, in 2015, a partnership agreement was entered into between the petitioner's company and the de facto complainant. Thereafter, the petitioner commenced construction by arranging all

the funds. In all, a sum of approximately Rs. 8 crores 51 lakhs and odd was invested by the petitioner by arranging funds. In fact, the petitioner repaid loans to the tune of Rs. 4 crores and odd. On the other hand, the de facto complainant initially invested a sum of Rs. 27 lakhs and thereafter, allegedly withdrew Rs. 5 lakhs from the funds. However, subsequently it was found that the de facto complainant was executing the documents in the name of his proprietorship firm. Accordingly, the de facto complainant filed an application under the Arbitration and Conciliation Act. As the counter-blast to this, the present FIR was registered alleging that the forged signature of the de facto complainant was uploaded at the time of registration of the partnership firm in 2023. However, there is a clear undertaking given by the de facto complainant in 2024 acknowledging that the funds were all being arranged by the petitioner. There the partnership has also been accepted.

Learned senior counsel appearing on behalf of the de facto complainant opposes the prayer for anticipatory bail. He submits that there were accounting disputes that led the de facto complainant to become more vigilant. In fact, the de facto complainant had invested about 77 lakhs in the venture. The petitioner only invested about 7 crores 48 lakhs and allegedly withdrew Rs. 7 crore 28 lakhs from the funds as would appear from the bank statements.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. She relies on the documents available in the case diary. However, relying on the report filed today she submits that the notary and the witnesses to the agreement of 2024 in

question have supported execution of the said agreement while the de facto complainant has disputed it.

Considering the above and the materials available in the case diary, the fact that there was a prior arbitration pending between the parties immediately before the FIR and the delay in lodging the First Information Report, I do not think that custodial interrogation of the petitioner is required in this case and I am inclined to grant anticipatory bail to the petitioner.

In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- 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 the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the BNSS, 2023 and on further condition that the petitioner shall cooperate with investigation, shall not threaten or intimidate witnesses and shall meet the I.O. once a fortnight till submission of report in final form.

The application for anticipatory bail is, thus, allowed.

The personal appearance of the Investigating Officer is noted and is dispensed with.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)