

AD 22
January 6, 2026
Ct. 28
SG

Partly Allowed

CRM(A) 3790 of 2025

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 BNS, 2023.

And

In the matter of:

Shambhu Nath Karikar and another
... petitioners

Mr. Sourov Mondal
Mr. Rony Mondal
... for the petitioners

Mr. Iqbal Kabir
Mr. Sachit Talukdar
... for the State

Affidavit of service filed by the petitioners is taken on record.

Learned counsel for the petitioners submits that the petitioners are themselves victims of the alleged fraud in question. They were also 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 petitioners were constrained to file an FIR. They also filed a writ petition.

Learned counsel for the State strongly opposes the prayer for anticipatory bail, relies on the case diary, the memo of evidence, refers to the statements of witnesses, the documents collected including the bank's statements and submits that the money of the investors were routed through

the petitioners' accounts 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. Amounts were credited to the accounts of both the petitioners. During investigation, it was revealed that the petitioner No.1 organised 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. The co-accused being the petitioner No.2, actively assisted him by participating in such meetings, handling communications and facilitating the collection of funds.

Considering the above, the other incriminating materials available in the case diary and in view of the fact that the petitioner No.2 is a female member of the household and the main allegation against her is that she was assisting her husband in conducting such meetings and handling communications, while I am inclined to grant anticipatory bail to the petitioner No.2, the application for anticipatory of the petitioner No.1 (Shambhu Nath Karikar) is rejected.

In the event of arrest, the petitioner No.2 (Mithu Karikar) shall be released on bail upon furnishing a bond of Rs.10,000/- (rupees ten thousand) 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 the further conditions that the petitioner No.2 shall cooperate with the investigation and shall not threaten or intimidate witnesses.

The application for anticipatory bail is, thus, disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of requisite formalities.

(Jay Sengupta, J.)