01. 04.11.2026.
Court No.08. (Pritam)
(Allowed)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
(Vacation Bench)

CRM (M) 2939 of 2026.

In Re: An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Dankuni Police Station Case No.278/2026 dated 17.07.2026 under Sections 316(2)/318(4)/336(3)/338/351(2) of the BNS, 2023 and Section 111(2)(b) of the said Sanhita.

In the matter of: - **Pawan Kumar Rajgaria.**

.....petitioner.

Mr. Shekhar Kr. Basu, Sr. Adv.,
Mr. Debashis Ray, Sr. Adv.,
Mr. Shabbir Ahmed,
Mr. Diptangshu Basu,
Mr. Mayukh Mukherjee,
Mr. Siddhartha Sharma,
Mr. Rishav Dutt,
Mr. Anirdam Mondal,
Mr. Arya Banerjee.

... for the petitioner.

Mr. Parmanand Sharma, Ld. APP.,
Mr. Brajesh Jha, Ld. APP.,
Mr. Suman Chakraborty,
Ms. Sharmistha Das.

... for the State.

Mr. Krishna Raj Thakkar, Sr. Adv.,
Mr. Somopriyo Chowdhury,
Mr. Kausik De,
Mr. Sayan Mukherjee,
Ms. Mohini Majumdar,
Mr. Roshan Pathak,
Mr. Adrish Chatterjee,
Mrs. Srumita Moulik.

... for the de facto complainant/respondent.

1. The petitioner in the present application for bail was arrested on allegations of offences committed under Sections

316(2)/318(4)/336(3)/338/351(2) of the BNS, 2023 with Section 111(2)(b) of the said Sanhita being added subsequently.

2. Learned senior counsel appearing for the petitioner/accused person contends that the allegations made are of a civil nature and emanate from an agreement having ingredients of a development agreement and investment, which contains an arbitration clause.

3. By placing reliance on the application under Sections 175(3) of the BNSS, which was the genesis of the FIR, it is contended that the same does not contain any plausible link/chain of events connecting the petitioner with any serious crime whatsoever. It is argued that although the allegations involve cheating with regard to the non-payment of an amount of Rs.10 crore, the said amount was inflated subsequently in the FIR to Rs.32 crore.

4. Learned senior counsel next contends that the alleged suppression of an NCLT proceeding at the relevant point of time does not make any material difference insofar as the jural relationship and the transactions of the parties are concerned.

5. Learned counsel next contends that the *de facto* complainant also alleged that certain forged orders of the NCLT (National Company Law Tribunal) were communicated by the accused/petitioner to the *de facto* complainant. However, since no advantage was taken at any point of time in view of such forged communications, the mere communication of such orders do not constitute an offence in any event.

6. Learned senior counsel places reliance on a Standard Operative Procedure (SOP) in respect of organized crime under Section 111 of the BNS and argues that the basic ingredients thereof are not satisfied by the FIR. Moreover, as per the said provisions and the SOP, the Organized Crime Assessment Note (OCAN) has to be proved by an officer not below the rank of DSP and/or ACP, which was not done in the present case, since the same was forwarded at the behest of the Investigating Officer.
7. Learned senior counsel places reliance on a judgment of a learned Single Judge of this Court in *CRR 4132 of 2009 (Shri Suresh Kumar Singhania vs. State of West Bengal & Anr.)* to argue that the principle of 'caveat emptor' is also applicable in a criminal proceeding.
8. In reply, the learned senior counsel for the *de facto* complainant cites *Zeba Khan vs. State of U.P. and Others* reported at *(2026) SCC OnLine SC 188* for the proposition that the criminal antecedents of an accused person and the fact as to whether the accused is a history-sheeter is to be taken into consideration while adjudicating an application for bail. Learned senior counsel also cites *Naveen Singh vs. State of Uttar Pradesh & Another* reported at *(2021) 6 SCC 191* in support of the proposition that even if a document of court is forged and/or manipulated without the accused person extracting any benefit of the same, such a fact constitutes a criminal offence and is liable to be punished seriously.

9. Learned senior counsel further submits that during the course of investigation, subsequent materials have come up to show that the accused/petitioner also perpetrated other offences, including the forgery of signatures in other agreements.

10. It is next argued by the *de facto* complainant that from a perusal of the FIR, it would be evident that a strong case has been made out against the petitioner, sufficient to entail rejection of bail.

11. Learned Additional Public Prosecutor, appearing for the State, places reliance on the materials before the Court as well as the case diary to seek to impress upon the Court that the petitioner is a history-sheeter and serious offences have been revealed in different jurisdictions against the petitioner. It is further contended that due to serious GST violations, a show-cause notice has also been issued to the petitioner.

12. Learned counsel further argues that in view of the grave economic offences perpetrated by the petitioner, the petitioner comes within the purview of “organized crime” as contemplated under Section 111 of the BNS. It is further submitted that the petitioner has taken the benefit of forgery of the NCLT order as well as misrepresentation regarding the OTS (One Time Settlement) Scheme.

13. Upon hearing learned counsel for the parties, it transpires that from the contents of the FIR, which is the premise of the present investigation, prima facie ingredients of

"organized crime" as contemplated of Section 111 are not made out. To constitute the said offence, there has to be a wide social impact of the crime, not merely against individuals *in personam* but against the society at large. The nature of offences listed in sub-section (1) of Section 111 itself is sufficient indication of the level of the crimes which come within the ambit of the said provision. Ordinary cheating of a monetary amount cannot come within the expression "economic offence" as incorporated in the said provision.

14. As per the Explanation to sub-section (1) of Section 111 as well as the SOP furnished before the Court, the existence of an organized crime syndicate and the involvement of the accused in such syndicate is a *sine qua non* to come within the purview of organized crime, which is entirely absent in the allegations made as per the FIR. Mere issuance of a show-cause notice under the GST Act does not *ipso facto* render a person a "history-sheeter". It is well-settled that a person has to be deemed innocent till convicted by a competent court of law.

15. Even otherwise, the State and/or the *de facto* complainant have failed to impress upon this Court as to any circumstance to justify further incarceration of the petitioner. The Court is apprised that the electronic device of the petitioner, from which the communications of forged orders were allegedly made, has already been seized from the petitioner by the investigating authorities.

16. It is absurd to say that the petitioner will preserve carefully in his custody the hard copies of such communications for the investigating officers to merrily go and seize the same, that too, after more than a month has elapsed from the apprehension of the petitioner.

17. Whatever is the nature of the allegations against the petitioner, those are to be proved on trial by evidence. However, in the facts of the instant case, this court does not find any reason to further keep the petitioner in custody.

18. Insofar as the proposition laid down in *Zeba Khan (supra)* is concerned, nothing has been brought before this Court to show that the petitioner has been previously connected to any other serious offence or that the petitioner is actually the "kingpin" of any racket involving criminal activities.

19. Thus, it would be too high a proposition to label the petitioner a "history-sheeter" and refuse bail on such ground, at least at this stage.

20. Insofar as the proposition laid down in *Naveen Singh (supra)* is concerned, the allegation of forgery of orders of the NCLT has to be established by the State in the criminal trial which is to be faced by the petitioner upon furnishing of a charge-sheet.

21. Since even after the expiry of more than 40 days from arrest no charge-sheet has been filed, although relevant materials have apparently been seized from the petitioner, it is uncertain as to when the criminal trial will commence.

22. That apart, the remedy in respect of non-payment of the dues of the *de facto* complainant travels into the realm of a civil dispute and *per se* does not justify refusal of bail.

23. Taking into consideration the aforesaid circumstances, CRM (M) 2939 of 2026 is allowed on contest, granting bail to the petitioner on condition that the petitioner shall furnish bond of Rs.20,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Serampore, Hooghly, and on further condition that the petitioner shall not leave the territorial jurisdiction of the Karaya Police Station, within which the petitioner resides, except for the purpose of compliance of any direction passed by any court in any criminal proceeding and/or by the Investigating Officer, during the period of investigation and shall make himself available once in a fortnight before the Investigating Officer in charge of the investigation, until further orders. Furthermore, the petitioner shall also surrender his passport in terms of the undertaking given in the present bail application to the Investigating Officer subject to the outcome of the investigation and the criminal trial, if any.

24. The petitioner shall not seek to induce, threaten, and/or contact any of the witnesses/prospective witnesses or any person connected with the criminal trial which might ensue from the FIR and/or try to tamper with the evidence in any manner whatsoever.

25. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertakings.

(Sabyasachi Bhattacharyya, J.)