*D/L 30*

23.11.2026
chanchal, A.R.(Ct.)
ct.no.5

# In the High Court at Calcutta

## Criminal Miscellaneous Jurisdiction
## Circuit Bench at Jalpaiguri

**C.R.M (M) 354 of 2026**

**Udayan Guha**
**Vs**
**The State of West Bengal**

In Re: An Application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Dinhata** Police Station Case No. **421** of **2026** dated **12.06.2026** under Section **406/420/384 and 120B** of the Indian Penal Code.

And

**In the matter of : Udayan Guha**

**...Petitioner.**

Mr. Milon Mukherjee, Sr. Adv.
Mr. Amalesh Ray, Sr. Adv.

...for the Petitioner

Mr. Jagriti Mishra, ld. AAG
Mr. Avrojyoti Das, ld. A.P.P.

...for the State

1. The Learned Advocate representing the petitioner referred to the date of incident being 21st June, 2021 delineated in the FIR registered in the instant case to be subsequently concocted owing to a political vendetta by the *de facto* complainant in order to falsely implicate the petitioner who had otherwise constituted a committee on humanitarian grounds to combat the evils of Covid-19 pandemic for construction of a pediatric Covid Unit at Dinhata Sadar Hospital obtaining the sanction of the Health and Family Welfare Department National Health Mission, Government of West Bengal vide a communication dated 13.08.2021. The said department had requested the concerned CMOH, Cooch Behar District to submit a detailed plan on behalf of Sishu Mangal Samiti, Dinhata constituted for the purpose of up gradation of the aforesaid peadiatric unit as approved by the higher authorities as

CSR activities. It was further submitted pursuant to such communication as aforesaid a detailed plan had been submitted. Thereafter, the aforesaid Samiti had collected donations from various individuals and organizations deposited in the account initiated at Axis Bank for accomplishing the aforesaid novel mission. The entire transactions had been credited and recorded. However, after change in Administration of the Government, the present petitioner had been falsely implicated. One of the co-accused namely Bishu Dhar had been released on bail in whose custody the register/ledger whereby cash amount as donations were collected had been recovered. The said co-accused Bishu Dhar had been enlarged on bail by the Co-ordinate Bench of this Court vide order dated 19.08.2026. The instant application was filed seeking renewal of the bail prayer as the earlier bail application had been dismissed by the Co-ordinate Bench of this Court on 10th September, 2026 as the investigation had not been completed. The charge-sheet having been filed on 13th September, 2026 and the petitioner being in custody for more than 5 and half months and being a septuagenarian person shall be released on bail.

2. The Learned Advocate representing the State referred to page 285 of the case diary wherein through an RTI application, a communication was received from the CMOH, Cooch Behar dated 24.07.2026 which stated contrary to the submission of the Learned Advocate representing the petitioner that a detailed plan was not received by the concerned authorities namely the Programme Officer NHM Department, Secretary, Government of West Bengal, National Health Mission from the Secretary Sishu Mangal Samiti, Dinhata, Cooch Behar. The page nos.53, 54 and 55 to 65 referred to, were inclusive of the documents depicting the manner in which donations in cash had been collected as well as the statements

recorded under Section 180 of the BNSS. There are materials on record with regard to the bank statement of Axis Bank reflecting the transaction pertaining to the donations as collected from time to time appearing at page No. 69 and thereafter the statement recorded under Section 183 of BNSS was referred to at Page 111 and 113 of the case diary. It was further submitted the present petitioner being influential, cast his dominion on the local people threatening and intimidating them intermittently and placed before this Court orders passed by the Co-ordinate Bench in WPA 1455 of 2025 dated 09.01.2026, complaint filed before the DGP on 18.12.2025 and the observation of the Coordinate Bench of this Court dated 07.07.2025 in WPA 1445 of 2025.

3. Considered the submissions of the Learned Advocates representing the respective parties and the materials on record. Whether the constitution of the aforesaid Samity under the scheme of CSR can be approved by the Government of West Bengal at any point of time granting permission to Dinhata Municipality without submission of a detailed plan is beyond the scope of this Court to adjudicate in a bail application as harped upon by the Learned Advocate representing the State. The charge-sheet has been filed on 13th September, 2026 and the documents with regard to collection of donation from the respective parties being the organizations, teaching institution, students and general public are already on record. The scope of further investigation is negated at this juncture and has not been submitted by the learned advocate representing the State in terms of filing any supplementary charge-sheet. Whether charges under Section 406 of IPC and 420 of IPC coexisting together can be sustained, will be a legal test before the Trial Court to surmount, in view of the observations of the Supreme Court in many of the judgments which this Court restrains itself to opine in legal exactitude at this stage while

considering an application for bail which may be dealt with by the Trial Court at the time of framing charges. Considering the intent of the observation of the Hon'ble Supreme Court in ***Satendra Kumar Antil Vs. Central Bureau of Investigation [(2022) 10 SCC 51]*** and considering the facts and circumstances of the case and that no further custodial interrogation is necessary at this juncture, this Court is inclined to release the petitioner on bail.

4. Accordingly, Petitioner, namely, **Udayan Guha** shall furnish bond of Rs. 50,000/- (Rupees Fifty Thousand Only) with two sureties of like amount each, one of whom must be local to the satisfaction of Learned Additional Chief Judicial Magistrate, Dinhata, District Cooch Behar.

5. The petitioner shall be physically present on each and every date fixed before the learned Trial Court and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner shall not enter the District of Cooch Behar and shall provide address of his residence to the Trial Court and to the local Police Station where he shall visit the Officer-in-Charge once in a fortnight until further orders. He shall further provide his mobile number to the Trial Court, the police station which registered the FIR and the Officer-in-Charge of the local police station where he is to attend as aforesaid and shall not change the same without the permission of the Trial Court. He shall further submit his passport before the Trial Court following the legal procedures within three working days from the date of passing of this order.

6. In the event the petitioner fails to appear before the trial Court without justifiable cause, the Trial Court shall be at liberty to cancel his bail automatically without reference to this Court.

7. Accordingly, CRM (M) **354** of 2026 is **allowed**.

8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.
9. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

***(Ananya Bandyopadhyay, J.)***