

08.01.2026

Item No.13

Ct.No.3

dc.

Allowed

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

C.R.M. (A) 902 of 2025

In Re : An Application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Kotwali Police Station Case No. 44 of 2025 dated 22.01.2025 under Sections 34/406/420/468/471 of the Indian Penal Code, 1860.

And

In Re : **Sri Ganesh Mandal**

... Petitioner.

Mr. Subham Ghosh,
Mr. Mayank Roy

... For the Petitioner.

Mr. Abhijit Sarkar,
Mr. Bhaskar Das

... For the State.

Learned advocate appearing for the petitioner submits that the beneficiaries have been granted anticipatory bail and the petitioner is being foisted with the criminal case thereby attempting to jeopardize his liberty.

Learned advocate appearing for the State has produced the case diary and opposed the prayer for anticipatory bail on the foundation of a statement of a witness.

The case is under Sections 406/420/468/471/34 of the Indian Penal Code. The case was registered on 22.01.2025. The investigating officer of the case has not progressed with the case and is also not aware in respect of nuances of the law as on 22.01.2025 a case was registered

under the Indian Penal Code and not under the Bharatiya Nyaya Sanhita. The case is based on documents. No efforts have been made to collect the documents. Investigation is a quest for unearthing the truth. The investigating officer is either not interested to investigate the case or is incompetent for the purposes of document based investigation. Having considered that no materials have been collected for more than 11 months to implicate the present petitioner, I am of the view that the petitioner is entitled to the privilege of anticipatory bail. As such, the prayer for anticipatory bail of the petitioner is **allowed**.

In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.20,000/-, with two sureties of Rs.10,000/- 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 Bharatiya Nagarik Suraksha Sanhita, 2023.

The Superintendent of Police, Jalpaiguri Police District is directed to change the investigating officer of the case and engage an efficient officer for unearthing the truth.

Needless to state that this is not an issue for falsely implicating any person, but unearthing the truth which requires cross-checking of document which is the foundation of the case.

The application for anticipatory bail, being CRM(A) 902 of 2025, is, thus, disposed of.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

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

(Tirthankar Ghosh, J.)