JPD-29
Ct No.07
26.11.2026
TN

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Jurisdiction

CRM (A) 809 of 2026

In Re: - An application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023; corresponding to under Section 438 of the Code of Criminal Procedure, 1973 in connection with Bhaktinagar P.S. Case No. 485 of 2026 dated 13.06.2026 under Sections 126(2)/74/117(2)/109(1)/316(2)/318(4)/351(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 r/w Section 24 of Maintenance & Welfare of Parents & Senior Citizens Act, 2007.

And

In the matter of: Riya Mahanta @ Riya Mahanta Das and another
.... petitioners

Mr. Nilay Chakraborty,
Mr. Sourav Lahiri
....for the petitioners

Mr. Habibur Rahaman,
Mr. Satyam Sarkar
....for the *de facto* complainant

Mr. Avrojyoti Das, Ld. APP,
Mr. Raj Kumar Mitra
....for the State

1. Learned counsel for the petitioners argues that the complaint against the petitioners stems from a civil dispute, in respect of which which two civil suits have already been filed by the complainant.

2. It is further submitted that in terms of the order dated November 20, 2026, the petitioners have already met the Investigating Officer and, as such, he intends to comply with all directions that may be passed by the Court.

3. Learned counsel for the *de facto* complainant seriously opposes the prayer for anticipatory bail and submits that the petitioners (who are spouses of each other) swindled the *de facto* complainant, who is an aged lady of 69 years, on the pretext of looking after her dealings like her children.

4. It is submitted that the petitioners also took away valuable gold ornaments from the complainant and unless the petitioners are interrogated in custody, the whereabouts of the said articles may not be traced out at all.

5. It is also alleged that the petitioner no. 2 is a police constable and has considerable clout.

6. Learned counsel for the State files a compliance report authored by the concerned Investigating Officer, where it is indicated that one day prior to the initiation of the case, the petitioner no.2 had operated his locker in UCO Bank, Ashighar More Branch, which shows, according to the Investigating Officer, deliberate removal and concealment of valuables ahead of police inspection.

7. Furthermore, in the said report, the Investigating Officer alleges that investigation revealed active bank accounts of the petitioners across multiple financial institutions, including three banks, and high-volume suspicious financial transactions which may be connected with proceeds of the crime.

8. Relying on the said report, learned counsel submits that the petitioners ought not to be granted the benefit of anticipatory

bail, more so since the gold ornaments which were allegedly stolen from the complainant have not yet been recovered.

9. Upon consideration of the materials on record, it is found that the petitioners have already complied with the directions of the coordinate Bench by meeting the Investigating Officer.

10. Insofar as the bank accounts and financial transactions of the petitioners are concerned, the money trail can very well be traced out from the concerned bank authorities as well as from the internet traces left by such transactions. As far as the gold ornaments-in-question are concerned, even as per the report of the Investigating Officer, the petitioner no. 2 has already operated his locker a day prior to the initiation of the criminal proceeding and, as such, at the present juncture, there is no scope of recovery directly from the petitioners, which renders custodial interrogation unnecessary.

11. Be that as it may, the Court cannot gloss over the fact that the investigation is still on and the petitioners are required to cooperate fully with the investigation.

12. Accordingly, CRM (A) 809 of 2026 is allowed, thereby granting anticipatory bail to the petitioners.

13. In the event of arrest, the petitioners shall be released on bail upon furnishing bond of Rs.20,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Jalpaiguri. The sureties can be common for both the petitioners.

14. The petitioners shall not leave the territorial jurisdiction of the Jalpaiguri District and shall meet the Investigating Officer at least once a week and as and when otherwise required, and shall cooperate fully with the investigation.

15. The petitioners shall not in any manner make any inducement, threat or promise to any person acquainted with the facts and circumstances of the case so as to dissuade such person from disclosing such facts to any police officer or the court and/or tamper with evidence in any manner whatsoever.

16. On violation of any of the above conditions, it will be open to the State to seek cancellation of bail.

(Sabyasachi Bhattacharyya, J.)