JPD-2
Ct No.07
26.11.2026
SSS

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (A) 888 of 2026

In re: An application for pre-arrest bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Siliguri Police Station Case No. 693 of 2026 dated 26.10.2026 under Sections 406/420/506/ 34 of the Indian Penal Code, 1860 corresponding to PTN no. WBDJOEP0045892026

And

In the matter of: **Smt. Sarita Sinhal and Anr.**

.... petitioners

Mr. Subham Ghosh,
Mr. Mayank Roy

... for the petitioners

Mr. Raghav Agarwal

...for the de-facto complainant

Mr. Avrajyoti Das, APP,
Mr. Bijoy Bikram Das,
Mr. Nigam Mittal

.....for the State

1. The plinth of the allegation against the petitioners is that the petitioners took money from the complainant under the garb of a scheme yielding interest but ultimately did not honour the same.

2. Learned counsel for the petitioners submits that the petitioners are equipped with tax invoices and GST documents which indicate that the petitioners indeed took an amount to the tune of Rs.5,00,000/- from the complainant but also delivered

jewellery against the same to the complainant and paid GST for such amount.

3. It is submitted that if the petitioners are permitted to produce those documents before the Investigating Officer, the picture will become clear as regards the petitioners not being involved in the alleged offence. It is further submitted that several previous complaints were lodged on similar premise, to the effect that the petitioners have duped the complainants therein under the garb of a scheme which was never honoured, in which cases the petitioners have already obtained anticipatory bail. It is submitted that in order to coax the petitioners into submission in respect of a money claim, such repeated complaints have been lodged against the petitioners.

4. Learned counsel for the petitioners candidly submits that although the petitioners did not comply with notices under Section 41A of the Criminal Procedure Code, the petitioners gave representation to the Investigating Officer to the effect that the petitioners could not so attend due to unavoidable and compelling family circumstances.

5. However, it is submitted that in the event the Court so directs, the petitioners, as a condition of anticipatory bail, shall meet the Investigating Officer with all relevant documents as and when so directed.

6. Learned counsel for the de facto complainant opposes the prayer for anticipatory bail and submits that the petitioners are running a racket for duping people.

7. It is submitted that the documents on which the petitioners want to rely are manufactured ones.

8. Learned counsel for the State opposes the prayer for anticipatory bail and argues that despite repeated notices under Section 41A, the petitioners have refused to comply with the same and as such, the benefit of anticipatory bail ought not to be granted to the petitioners. Even otherwise, it is submitted that since charge-sheet has not yet been submitted and investigation is going on, at this stage the petitioners ought not to be granted anticipatory bail.

9. Upon perusing the materials before the Court, it transpires that the petitioners were previously granted anticipatory bail in respect of similar complaints.

10. That apart, the underlying claim, on the premise of which the present complaint has been lodged, is a money claim.

11. In any event, since the petitioners submit that the petitioners are undergoing proceedings in respect of the assets of the petitioners, the remedy of the complainant, if at all, lies in an appropriate proceeding for recovery of money.

12. That apart, it is found that the petitioners have already responded to the notices given under Section 41A of the Code of Criminal Procedure and showed reasonable grounds for not attending before the Investigating Officer on previous occasions. Thus, on an overall assessment, there is ample reason for granting anticipatory bail to the petitioners, subject, of course to specific conditions.

13. Accordingly, CRM (A) 888 of 2026 is allowed, thereby granting anticipatory bail to the petitioners. In the event of arrest, the petitioners shall be released on bail upon furnishing bond of Rs.20,000/- each in respect of each of the petitioners, with two sureties of like amount, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Siliguri. The sureties can be common in respect of each of the petitioners.

14. Furthermore, the petitioners shall meet the Investigating Officer on November 28, 2026 at 11.00 A.M with all relevant documents and thereafter, shall cooperate with the investigation as well as meet the Investigating Officer at least once a fortnight. The petitioners shall not leave the territorial jurisdiction of their residential police station and shall attend trial as and when the same commences upon filing of charge-sheet, if any.

(Sabyasachi Bhattacharyya, J.)