

15.10.2026
Item No.3
Ct. No. 34
debajyoti/nb

CRM(A) 3159 of 2026

In Re.: An application for Anticipatory bail under Section 482 of the B.N.S.S. to Section in connection with Bidhannagar Cyber Crime Police Station Case No.100 of 2026 dated 01-07-2026 under Sections 316(2), 318(4), 336(2), 337, 340(2), 61(2) of the Bharatiya Nyaya Sanhita, 2023.

In the matter of: **Kishor Chowdhury & Anr.**

..... Petitioners.

Mr. Sourav Chatterjee, Sr. Adv,
Mr. Soumya Nag,
Mr. Rajib Mullick,
Ms. Sonia Mukherjee,

..... For the Petitioners.

Mr. Brajesh Jha, A. P.P.
Mr. Subhajit Chatterjee,
Mr. Shoumilya Mazumder,

... for the State.

Mr. Pawan Kr. Gupta,
Ms. Sofia Nesar,
Mr. Santanu Sett,

.....For the de facto complainant.

1. Apprehending arrest the petitioners have filed this application for anticipatory bail in connection with G.R. case No.910 of 2026 arising out of Bidhannagar Cyber Crime Police Station Case No.100 of 2026 dated 01-07-2026 under Sections 316(2), 318(4), 336(2), 337, 340(2), 61(2) of the Bharatiya Nyaya Sanhita, 2023.
2. It is the contention of the learned Senior Advocate representing the petitioners that the petitioners have

been false implicated. The petitioner no. 1 is one the Directors of the company as well as 18.33% shareholder and the petitioner No.2 is also one of the Directors having 15% shareholder of the company Sai Sourya Developers Private company collectively adding 33.33% shareholding .The petitioners have been arraigned as accused persons by lodging an FIR by the De-facto Complainant alleging hatching of conspiracy o forge signature and prepare false Board resolution and thereafter to appoint another Director beyond the knowledge of the de-facto complainant

3. The allegation against the present petitioners are only of connivance and collusion in preparation of commission and preparing board resolution and forging signature when the letter was admitted to be issued by the petitioner No.1 but no specific role has been attributed against them .
4. It is further submits that opposite party no.2 the de facto complainant is the holder of 33.33 per cent share holder of the company "Sai Surya Developers Private Ltd." and the letter of appointed was given by petitioner no.1 .
5. It is the contention of the Learned Senior Advocate that they have duly complied with the notice under Section 35(3) and under takes to co-operate with the

Investigating Authorities. It is further submitted that Kishore Chowdhury issued an appointment letter in favour of Bijay Kumar Periwal and subsequently he has admitted that some procedural non-compliance was there and immediately thereafter, the resignation of Bijay Kumar Periwal was tendered and accepted.

6. On behalf of the prosecution objection has been raised and it is submitted that investigation is going on. There are sufficient materials against the present petitioners and from the statements collected in course of investigation, it is evident that the said Board resolution was adopted in absence of the present de facto complainant and the Chartered Accountant uploaded the said name of the petitioner no.1 pursuant to the direction of another Director, Kishor Chowdhury. It is further submitted that if the prayer of the petitioners is allowed at this stage, the further investigation may be jeopardized.
7. On behalf of the de facto complainant, serious objection has been raised and it is strenuously argued that the Board resolution was adopted beyond the knowledge of the present de facto complainant, when he is also a Director. This is a corporate offence and in order to grab the entire company by not following norms, such steps were taken. Not only that, they have

manufactured certain documents, which are yet to be collected by the prosecution and allowing the prayer of the present petitioners in this regard would cause severe prejudice to the de facto complainant. It is further submitted that as per his information, there are some criminal antecedents against the present petitioner no.1. In this regard, he has found certain materials from the website.

8. Regarding the criminal antecedents of the petitioners, no specific information can be found from the four corners of the case diary and the document that has taken out from the INSTA Finncials, Director Legal Report of Bijay Kumar Periwal cannot be considered of having a criminal antecedents without there being a detailed description regarding the same.
9. Heard the submissions of the learned advocates representing the respective parties. Perused the materials on record and the Case Diary and the contents of the complaint lodged against the present petitioners.
10. On close scrutiny, of the above facts and circumstances, the genesis of the dispute can be found regarding appointment of Bijay Kumar Periwal as the Director of the said company of which both the de facto complainant and the petitioner no.2 and Kishor

Chowdhury and Ankit Chowdhury are the Directors. On perusal of the Case Diary and the statements recorded of the witnesses including that of the de facto complainant under Section 183 of BNSS alongwith the declaration given to the Officer-in-Charge, Bidhannagar Cyber Crime P.S. by Kishor Chowdhury it is found that the procedure adopted for appointment of the Director was irregular and is under challenge before NCLT. The undertaking given by Petitioner no.1 before the police authority stated that immediately after being informed about the procedural mishap, the said Bijay Kumar Periwai has tendered resignation, which has been accepted. The complaint discloses an apprehension of forging documents but it is silent about any details of the same.

11. The Case Diary further demonstrates that the petitioners have complied with the 35(3) notice. Hence, it cannot be said that they are evading the process of investigation.
12. Therefore, upon conspectus of the entire facts and circumstances of the case and considering the nature of allegation levelled against the present petitioners, which pertains to procedural lapses in appointment of a Director against which a procedure is pending before NCLT, this Court is of the view that custodial

interrogation of the present petitioners in this case may not be necessary.

13. Accordingly, in the event of arrest, the petitioners shall be released on bail upon furnishing bonds of Rs. 50,000/- (Rupees Fifty Thousand Only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of **arresting officer** and also subject to the condition as laid down in sub-section (2) of section 482 of BNSS. In addition to the above, the petitioners will follow the conditions which are as follows:-

- a) The petitioners shall not intimidate the witnesses and/or tamper with evidence, in any manner whatsoever and shall not commit any cognizable offence in any manner whatsoever.
- b) The petitioners shall appear before the I.O. of this case once in a week or as and when required for the purpose of investigation and to render all sorts of cooperation as asked for the sake of completion of investigation.
- d) In the event, the petitioners failed to comply with any of the conditions stipulated above, order of anticipatory bail shall be treated as cancelled in accordance with law without further reference to this Court.

14. The application for Anticipatory Bail is, thus, **allowed.**
15. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.
16. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(CHAITALI CHATTERJEE (DAS), J.)