

07
10-06-2026

Today is fixed for hearing in respect of the application u/s 482 of BNSS for grant of anticipatory bail filed on behalf of the accused/ petitioner Santu Ghosh.

CD is produced.

Heard both sides in full.

Case diary and the records of Pukhuria PS case no. 251/2025 dated 24-05-2025 be retained.

Fix **12-06-2026** for order.

D/C by me

Sd/-

Judge Special,
1st court, Malda.

Sd/-

Judge Special,
1st Court, Malda. (WB00833)

08

12-06-2026

Today is fixed for order in respect of the application u/s 482 of BNSS for grant of anticipatory bail filed on behalf of the accused/ petitioner Santu Ghosh.

Case diary and the records of Pukhuria PS case no. 251/2025 dated 24-05-2025 has been retained.

The case record is taken up for order.

The instant case was initiated on the basis of a complain lodged by the District Disaster Management Officer, Malda on 20-11-2025 alleging inter alia that on 29-05-2025 accused Santu Ghosh was arrested in connection with misappropriation of Government supplied tarpaulins vide case no. 251/2025 dated 24-05-2025 of the Pukhuria PS. Sri Ghosh was the LDC-cum-Store keeper of Malda Zonal and District godown situated at Mahanandapally, Jhaljhalia, Malda. Following the case initiated by Pukhuria Police Station the District Authority issued direction for physical verification of relief material stored in Malda Zonal and District godown. The store verification was carried out in two phases. The second phase of verification revealed misappropriation/untraced relief items valued more than Rs. 33 Crores leading to a complaint and registration of FIR being English Bazar PS case no. 2387/2025 dated 20-11-2025. Pertinent to mention that initial phase of verification found misappropriation to the tune of Rs. 2,29,614/- for which English Bazar PS Case no. 2231/2025 dated 17-10-2025 was registered.

The instant application for pre-arrest bail relates to English Bazar PS case no. 2387/2025 dated 20-11-2025.

During the course of hearing Ld. Advocate for the petitioner/accused invited attention of the Court to the case record of Pukhuria PS case no. 251/2025 dated 24-05-2025 u/s 303(2)/317(2)/61(2)/223 of BNS and added 316(5)/317(4)/317(5) of BNS. It was submitted that status of the petitioner as Government servant and his engagement as store keeper of Government godown had come to light. The investigation had progressed after which the accused/petitioner was granted bail by Ld. ACJM, Chanchal, Malda vide order dated 07-06-2005. It was further submitted that present allegations are no different then the case being Pukhuria PS case no. 251/2025 dated 24-05-2025. That Constitution do not mandate registration of multiple FIRs over the self same incident. The case of *Amit Katyal and anr. v. State of Hariyana and anr.* 2026 INSC 509

(Neutral citation) was relied in support of the submission. That apart it was submitted that petitioner was not the sole custodian of the stores. There is system of joint responsibility. Sufficient time had elapsed in between registration of the Pukhuria PS case and the instant case. That entire incident is a political fall out and there are serious discrepancy in the manner of stock reporting and or valuation by the complainant. Investigation is flawed and the present petitioner is being made a scape goat. Lastly, it was submitted that there is no reason for registration of the present case and that Court should grant relief to the applicant and he should not be vexed repeatedly by the agency and department.

Objecting to the application for bail Ld. Public Prosecutor submitted that there is no nexus or similarity of allegations in relation to the Pukhuria PS case and the present case. That ambit of investigation had enlarged after discovery of the large scale lapses of this petitioner who was entrusted with the custody of relief materials meant for disaster struck citizens during natural calamity. That initial phase of verification revealed defalcation to the tune of Rs. 2,29,614/- but subsequent phases of stock verification reflects that quantum of misappropriation exceeds 33 Crores. Sufficient data and incriminating materials has been collected by the agency regarding role of the petitioner in this systematic siphoning. That petitioner/accused should not be permitted to take shelter behind technicalities. Lastly, it was submitted that prayer for pre-arrest bail should be rejected.

Perused the case diary including the materials on record. At the outset the question regarding lodging of multiple FIRs over the selfsame incident ought to be addressed by this Court. The case of *Amit Katyal (supra)* relies upon the celebrated case of *T.T. Antony v. State of Kerala (2001) 6 SCC 181* as well as the case of *Arnab Goswami v. Union of India (2020) 14 SCC 12*. There is no dispute with the legal proposition that parallel investigation cannot be permitted in contravention to the scheme of the Code of Criminal Procedure which would result in manifest prejudice to the petitioner though multiple proceedings.

Now, the test is whether there is any sameness or congruency with the present case with the previously instituted Pukhuria Case. In order to analyse the level of similarity or sameness we can delve into another case decided by the Apex Court.

In *Nirmal Singh Kahlon v. State of Punjab [(2009) 1 SCC 441]* Apex Court considered a case where an FIR had already been lodged on 14-6-2002 in respect of the offences committed by individuals. Subsequently, the matter was handed over to the Central Bureau of Investigation, which during investigation collected huge amount of material and also recorded statements of large number of persons and CBI came to the conclusion that a scam was involved in the selection process of Panchayat Secretaries. The second FIR was lodged by CBI. Apex Court after appreciating the evidence, came to the conclusion that matter investigated by CBI dealt with a larger conspiracy. Therefore, this investigation

has been on a much wider canvass and held that second FIR was permissible and required to be investigated.

Hon'ble Apex Court in the said case held as under “ ***The second FIR, in our opinion, would be maintainable not only because there were different versions but when new discovery is made on factual foundations. Discoveries may be made by the police authorities at a subsequent stage. Discovery about a larger conspiracy can also surface in another proceeding, as for example, in a case of this nature. If the police authorities did not make a fair investigation and left out conspiracy aspect of the matter from the purview of its investigation, in our opinion, as and when the same surfaced, it was open to the State and/or the High Court to direct investigation in respect of an offence which is distinct and separate from the one for which the FIR had already been lodged.*”**

There is distinct similarity with the case of ***Nirmal Singh Kahlon*** and the present case in hand. The Pukhuria PS case originated after one private individual was found to be dealing with 05 pcs of tarpaulins bearing West Bengal Government logo leading to identification of the present petitioner. The said case triggered direction from the Government for stock verification. The periphery of the present case was defined by stock verification of the Zonal Store when misappropriation to the tune of Rs. 2,29,614/- had come to light in the initial phase leading to registration of FIR with English Bazar PS. This Court cannot help but note that subsequent phases of verification brought to focus misappropriation to the tune of Rs. 33 Crores leading to registration of this present case being English Bazar PS case no. 2387/2025 dated 20-11-2025. This Court holds that scope and ambit of the English Bazar PS case is wider in magnitude having serious ramification and cannot be equated with the Pukhuria PS case.

Hence, this Court nullifies the petitioner's argument regarding multiple FIR though reserving any comment on the sameness of the complaint in connection with and English Bazar PS case no. 2387/2025 dated 20-11-2025 and English Bazar PS case no. 2231/2025 dated 17-10-2025.

Having perused the case diary it appears that sufficient incriminating materials have been collected indicating active and conscious complicity of the present petitioner. In the estimation of this Court custodial detention of the petitioner is very much necessary for a fruitful investigation into misappropriation of public money.

Hence, prayer for pre-arrest bail stand rejected.

Return TCR and CD.

Copy of this order be sent to Ld. Public Prosecutor, Malda.

D/C by me.

Sd/-

Judge Special,
1st court, Malda.

Sd/-

Judge Special,
1st Court, Malda. (WB00833)