

17.03.2026

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Ct.No.237

Suman

**IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction
Appellate Side**

CRM (M) 419 of 2026

In Re:-An application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with GR (E) case no.1466 of 2025 presently pending before the A.C.J.M. Contai, Purba Medinipore arising out of Egra Police Station Case No.882 of 2025 dated 20.12.2025 alleging therein the commission of offences under sections 406/409/420/468 IPC.

And

In the matter of : **Swapan Kumar Nayek**

.... Petitioner.

Mr. Rajdeep Mazumder, Sr. Adv.
Mr. Pritam Roy
Ms. T. Roy
Mr. Soumya Raha
..for the petitioner

Mr. Debasish Roy, Ld. PP
Mr. Rudradipta Nandy, APP
Ms. Rituparna De Ghose
Ms. Rajnandini Das
..for the State

The present criminal application arises out of an FIR dated December 20, 2025, lodged by the Block Land and Land Reforms Officer, Egra-I, Purba Medinipur, against the petitioner. The FIR alleges that the petitioner, in his capacity as Chairman of Egra Municipality, leased and transferred a plot of land belonging to the State to a private individual

without following due process of law or obtaining approval from the competent authority, thereby causing substantial loss to the Government.

It appears that the said plot of land was allotted to a private individual pursuant to an auction notice dated July 24, 2023.

Mr. Rajdeep Mazumder, learned Senior Advocate appearing for the petitioner, submits that the property was leased to the said private individual as he was the highest bidder in a tender process duly conducted in accordance with law in the year 2023. He further submits that, owing to dissident factions among the councillors, a proposed no-confidence motion against the petitioner could not be carried on December 25, 2025, and that, on the very same date, the FIR was lodged in a vindictive manner.

Mr. Debasish Roy, learned Advocate appearing for the State, on the other hand, submits that the land in question admittedly belongs to the State and that a proposal for its transfer in favour of the Urban Development and Municipal Affairs Department is still pending. As such, the land has not yet been transferred to the Municipality, and the petitioner had no authority to lease it to a private individual. It is further submitted that a land measuring approximately 0.92 acres has been leased for a consideration of only Rs. 1,00,000/- per annum, thereby indicating an element of corruption in the transaction.

Prima facie, it appears that as many as 14 members of the Board of Councillors resolved to float the tender in question, and the tender was issued by the Executive Officer of the Municipality. It also appears that the land was ultimately leased to the highest bidder.

However, this Court is, prima facie, not satisfied with the manner in which the tender was conducted. It appears that there was no proper tender notice in the public domain disclosing the terms and conditions of the auction. It is unclear how bidders were expected to participate on the basis of such a vague notice. The terms and conditions were purportedly to be disclosed by the Sub-Assistant Engineer of the Municipality.

Be that as it may, the State is at liberty to take such remedial measures in accordance with law as it may deem fit and proper. Insofar as the initiation of the criminal proceedings against the petitioner is concerned, this Court is of the view that there was no apparent justification for a Government official to lodge an FIR after a lapse of three years from the date of the tender. The decision to float the tender was not an individual act of the Chairman but a collective and unanimous decision of the Board of Councillors. Therefore, any alleged loss to the public exchequer or irregularity in the tender process may not, by itself, constitute criminality.

It appears that the petitioner has been holding the office of Chairman of the Municipality for the past 15 years.

On an earlier occasion in 2012, the Municipality, under his chairmanship, had floated a tender for the same land, which could not be executed by the highest bidder. Thereafter, the present tender proceedings were initiated.

The petitioner has been in custody for 73 days, and the charge sheet has not yet been submitted.

In view of the aforesaid, this Court is of the opinion that further custodial detention of the petitioner is not necessary. Accordingly, the petitioner, namely **Swapan Kumar Nayek**, shall be released on bail upon furnishing a bond of Rs. 5,00,000/- (Rupees Five Lakhs) with two sureties of like amount each, to the satisfaction of the learned Additional Chief Judicial Magistrate, Contai.

The petitioner shall not enter the jurisdiction of Egra Police Station until further orders of this Court except for meeting the investigation officer.

It is made clear that, after filing of the chargesheet or in the event of any delay in filing the charge sheet, the petitioner shall be at liberty to apply for relaxation of the conditions of bail.

The petitioner shall cooperate with the investigation and meet the Investigating Officer as and when required.

Accordingly, the prayer for bail application stands **allowed**.

Accordingly, **CRM (M) 419 of 2026** is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)