



ITEM NO.7

COURT NO.3

SECTION II-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s).13352/2024

[Arising out of impugned final judgment and order dated 02-05-2024 in CRM(DB) No.681/2024 passed by the High Court at Calcutta]

KUNTAL GHOSH

Petitioner(s)

VERSUS

CENTRAL BUREAU OF INVESTIGATION

Respondent(s)

(IA No.211089/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.211088/2024-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 29-11-2024 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) Mr. M.S. Khan, Adv.
Mr. Balwant Singh Billowria, Adv.
Mr. Vivekanand Singh, Adv.
Ms. Qausar Khan, Adv.
Mr. Prasahnt Prakash, Adv.
Mr. Gurmeet Singh, Adv.
Mr. Anirudh Ray, Adv.
Ms. Shilpa Singh, AOR

For Respondent(s) Mr. Rajkumar Bhaskar Thakare, A.S.G.
Mr. Mukesh Kumar Maroria, AOR
Mrs. Neelakshi Bhadauria, Adv.
Mr. Ishaan Sharma, Adv.
Mrs. Priyanka Terdal, Adv.
Mr. Sanjay Kumar Dubey, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. The petitioner seeks enlargement on bail in connection with CBI/ACB/Kolkata Case No.RC0102022A0006 dated 09.06.2022 under Sections 420, 467, 468, 471, 120-B & 34 of the Indian Penal Code,

1860 read with Sections 7, 7-A and 8 of the Prevention of Corruption Act, 1988.

2. The allegations are that the petitioner is a prominent youth leader of the political party, which is presently ruling the State. Through a deep rooted conspiracy, the petitioner is alleged to have created a fake website resembling the original website of West Bengal Board of Primary Education, where false results regarding recruitment of primary teachers were displayed. The petitioner is alleged to have collected bribes from undeserving candidates through sub-agents and one of his co-accused collected Rs.4,12,85,000/- from 141 candidates, which were diverted to the petitioner for securing appointments. The petitioner was arrested on 20.02.2023 in the instant case and is in custody since then.

3. Meanwhile, he was also named as an accused in a case registered by the Directorate of Enforcement in ECIR/KL20-II/19/2022 dated 24.06.2022 registered under the provisions of Prevention of Money Laundering Act, 2002. The High Court at Calcutta vide order dated 20.11.2024 passed in CRM(SB) No.145/2024, has released the petitioner on bail in the aforesaid case.

4. Adverting to the instant case registered by CBI, it appears that a charge-sheet under Section 173 of Cr.P.C. was filed on 16.01.2024, a copy of which has been placed on record. The said charge-sheet reveals that no documents were appended along with the charge-sheet. Consequently, the Special Judge, CBI Court directed the Investigating Agency to submit all the documents they relied upon so that on filing of such documents the Court could consider the matter of cognizance. Thereafter, another supplementary charge-

sheet was filed and taking notice thereof, the CBI Court in its order dated 23.07.2024 observed that the investigation was still underway and it was thus not conceivable for that Court to commence the trial as the investigation was still not concluded and thus charges could not be framed.

5. We have heard learned counsel for the petitioner and learned Additional Solicitor General on behalf of CBI.

6. Learned Additional Solicitor General for India, during the course of hearing, submits that owing to the very nature of allegations, CBI is required to examine plethora of documents and hundreds of candidates, who are the alleged victims of the recruitment scam. It is in this backdrop that the CBI has to file supplementary charge-sheets from time to time after collecting the evidence. He fairly submits that the Investigating Agency is proposing to file one more charge-sheet by the end of this month.

7. We have considered the submissions made on behalf of the parties in support and against the prayer for bail.

8. It is true that owing to the gravity of allegations and the nature of evidence being collected by it, the Investigating Agency is likely to take some more time to take the investigation to its logical conclusion by filing the final supplementary charge-sheet. The Court of competent jurisdiction thus will be able to take cognizance only after the final charge-sheet is filed. The question of framing the charges or commencement of trial would arise thereafter only. We can, thus, safely infer that it is too early to foresee the conclusion of trial in near future.

9. In the given circumstances, we are of the view that the

retention of the petitioner in custody for an indefinite period will not be in conformity with the well settled principles of criminal jurisprudence. It seems to us that not only the ongoing investigation, but even the trial thereafter can smoothly proceed without there being any impediment by the petitioner or other accused in light of the conditions or the directions which we propose to issue/impose. We are of the considered opinion that a balance can be struck by restoring conditional liberty to the petitioner in such a manner that it does not impinge upon and/or cause any interference in the ongoing investigation.

10. Consequently, and without expressing any opinion on merits of the allegations, the instant petition is disposed of and the petitioner is directed to be released on bail subject to such conditions as may be imposed by the Trial Court. In addition, we deem it appropriate to impose the following conditions:-

(i) The petitioner has already surrendered his passport before the Trial Court in terms of the conditions imposed by that Court while granting bail in the case registered by Enforcement Directorate. That condition shall continue to operate in the instant case also.

(ii) The petitioner shall not leave the State of West Bengal without prior permission of the Investigating Agency or the Court of competent jurisdiction.

(iii) The petitioner shall not make nay attempt, directly or indirectly, to tamper with the evidence or intimidate witnesses in any manner.

(iv) In the event of any such incident, it shall be taken as an instance of misuse of the concession of bail.

(v) The petitioner shall provide his mobile number to the Investigating Officer as well as to the Trial Court so that in case he is required to join investigation further before the final supplementary charge-sheet is filed, the Investigating Agency may be able to summon him for that purpose.

(vi) The petitioner, during the pendency of the proceedings, shall not be appointed or hold any public office.

(vii) The petitioner shall not make any public statement before media on the merits of the allegations with an intent to prejudice the investigation and/or influence the witnesses.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR