

CRM (A) 492 of 2022

In re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 28.01.2022 in connection with Tollygunge Police Station Case No. 64 of 2019 dated 02.04.2019 under Sections 120B/420/466/467/468/471 of the Indian Penal Code.

-And-

In the matter of : **Kaushik Bhattacharya**

... ...Petitioner

Mr. Sourav Chatterjee
Mr. Avik Ghatak
Mr. Kushal Das
Mr. Rajyashree Mukherjee

... ... For the petitioner

Mr. Rudradipta Nandy, Advocate

... ... For the State

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner was falsely implicated. He draws the attention of the Court to the Memo dated June 12, 2018 where duties to the petitioner were specified. Subsequently, a disciplinary proceeding was initiated against the petitioner. In response to a query of the Court, he submits that the disciplinary proceeding ultimately resulted in a final finding of guilt and the service of the petitioner was terminated. A writ petition is pending against such final order passed in the disciplinary proceeding. He submits that during the disciplinary proceeding, the petitioner approached the writ Court whereupon a direction was passed requiring the authority to furnish the documents which the prosecution relied upon in the disciplinary proceeding and the petitioner was permitted to take inspection of the documents which the petitioner sought to rely upon in the disciplinary proceeding. He submits that on

inspection being taken, the relevant documents were not found to be prepared by the petitioner.

Learned Advocate appearing for the State draws the attention of the Court to the contents in the case diary. He submits that the investigations are yet to be concluded.

In the disciplinary proceeding, the petitioner was found guilty. One of the charges in the disciplinary proceeding is the manipulation of the documents by the petitioner. Although, the level of proof required in a disciplinary proceeding and in the Criminal Procedure Code are different, in the facts of the present case and taking into consideration the fact that the investigations are yet to be concluded, it cannot be said that the petitioner is not involved in this case. Consequently, we are unable to grant anticipatory bail to the petitioner.

Consequently, CRM (A) 492 of 2022 is rejected.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)