

05.07.2022
KC (32)

C.R.M. (A) 2378 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973.

In the Matter of : Kajal Mondal @ Kajal Kumar Mondal
.....petitioner.

Mr. Akram Khan,
Mr. Yunus Mondal,
Mr. Pronojit Roy ...for the petitioner.

Mr. Rudradipta Nandy,
Ms. Sonali Das ...for State.

The petitioner is accused of involvement in a huge ponzi scam involving several crores of rupees.

The case was started in March, 2018 under Section 409 of the Indian Penal Code read with Sections 3 and 4 of the Prize Chit and Money Circulation Scheme (Banning) Act.

According to learned counsel for the State investigation has proceeded but the petitioner could not be arrested as he is absconding. This is denied by learned counsel for the petitioner citing various judicial proceedings his client has been involved, since 2018.

The fact remains that the offence is grievous. Investigation has not been completed. The petitioner allegedly was very actively involved in it.

However, for over four years he has been at large evading arrest. Whatever benefit the prosecution would have obtained by his custodial interrogation has been lost in these

four years. Whatever he may have done being free, i.e. destroying or tampering with evidence, interfering with witnesses etc. he may have accomplished in this span of time.

In those circumstances, we dispose of this application by recording the undertaking of the petitioner through his learned counsel to court that whenever summoned and at whatever time summoned, the petitioner shall be before the investigating officer for interrogation.

The investigating officer, for the time being, shall interrogate the petitioner and investigate his alleged involvement in the offence without arresting him.

The petitioner shall deposit his passport with the investigating officer and not leave the jurisdiction of 24-Parganas (North) without informing the investigating officer.

In case the investigating officer is of the view that custodial interrogation of the petitioner is required, he shall give at least 72 hours' notice to him to enable him to take whatever remedy available to him in law, including a fresh application for anticipatory bail.

In case of breach of any of the conditions by the petitioner, the investigating officer shall have the right to forthwith arrest him.

(I.P. MUKERJI, J.)

(AJOY KUMAR MUKHERJEE, J.)

