

CRM No.7051 of 2021

Via video conference

02.02.22

(S.R.)

Sl.268

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Bishnupur** Police Station Case No.123 of 2021 dated 20/08/2021 under Sections 420/406/409/465/467/468/471/120(B) of the Indian Penal Code and 66D of IT Act (G.R. Case No.691 of 2021);

And

In re: Shyama Prasad Mukherjee

... petitioner.

Mr. Sekhar Basu, Sr. Adv.

Mr. Manas Kumar Das

... for the petitioner.

Mr. Debasish Roy, Special PP

Mr. Rudradipta Nandy

...for the State.

Mr. Basu, learned senior advocate appearing for the petitioner submits that the petitioner had been serving the Bishnupur Municipality for a considerable period of time and he is a responsible person of the locality. There was no allegation against him from any corner. He has been falsely implicated in the alleged offence due to political rivalry. Upon completion of investigation charge sheet has already been submitted and as such, further detention of the petitioner, who is in custody for about 164 days may not be necessary and he may be enlarged on bail on any stringent condition, more so when the petitioner is aged about 70 years and is suffering from severe ailments. As regards the petitioner's health status, Mr. Basu has drawn our attention to the medical documents annexed to the application.

Mr. Roy, learned Special Public Prosecutor appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary including an enquiry report.

He submits that the petitioner was admitted to SSKM Hospital and was discharged on 8th December, 2021 and from the discharge

certificate, it would be explicit that the petitioner was not suffering from any severe ailment. Let the discharge certificate, as produced, be kept on record.

He further submits that when the petitioner was serving as the Chairman of the concerned Municipality, thirty-four tender notices were floated *offline* in derogation to the existing government circular towards floating of tender *online*.

He submits that many tenders were floated in respect of finished works and in the process an amount of rupees nine crores had been misappropriated. In the said conspectus and in view of the incriminating materials in the case diary, the petitioner is not entitled to the relief, as prayed for.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, we find strong incriminating materials on record against the petitioner. The allegation is of misappropriation of a huge quantum of money. The grant of bail in a case involving cheating and criminal breach of trust of such a large amount of money would not only have an adverse impact in the progress of the case but would also not be safe for the society.

The argument of Mr. Basu to the effect that the petitioner is suffering from severe ailments is also not acceptable to this Court. *Prima facie*, from the discharge certificate, as produced before us, the petitioner's medical condition does not appear to be very critical or serious.

In view thereof, we are reluctant to exercise any discretion in favour of the petitioner, more so when the possibility that he may

wield influence over the witnesses cannot be totally ruled out.

As such, the petitioner's prayer for bail is refused at this stage.

The application for bail being CRM No.7051 of 2021 is, accordingly, dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)