

30.06.2022
S.D
Item no.2

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

CRM 7263 of 2019

Hasibul Haque

-vs-

The C.B.I.

Mr. Sandipan Ganguly, Sr. Advocate
Mr. Sabyasachi Banerjee
Mr. Partha Sarathi Das ...For the petitioner

Mr. Anirban Mitra ... For the C.B.I.

In re: **CRAN 1 of 2021**
CRAN 2 of 2022
CRAN 3 of 2022

The accused petitioner is allegedly involved in a ponzi scam. According to learned counsel for the Central Bureau of Investigation (CBI) the amount involved is over Rs.400 crores. The properties out of which the allegedly misappropriated amount can be recovered are situated in West Bengal and Assam.

Mr. Sabyasachi Banerjee, learned advocate for the petitioner submits that on this accusation the petitioner was arrested on 3rd August, 2017 and as early as 30th October, 2017 the chargesheet was submitted. Thereafter, nothing has happened.

What is before this court is an application for bail of the petitioner and three applications for interim bail.

In the applications for interim bail the petitioner says that he has two daughters. One of them aged nine years is suffering from a degenerative disease of the bones for which life expectancy is low, not much beyond adolescence.

The other daughter has till today not contacted the disease. Another daughter of the petitioner has recently died of the same disease.

The petitioner has to take his ill daughter to Sir Ganga Ram Hospital, New Delhi for treatment. This is the ground mentioned in the interim applications for bail.

As far as the main application is concerned it is submitted on behalf of the CBI that if the petitioner is released he might destroy the evidence or deal with the properties.

From time to time this court has granted interim bail to the petitioner to get his daughter treated in Delhi.

The first question before us is whether his application for grant of bail should be allowed or not?

This is relevant because even if we grant the application for interim bail, the petitioner would be coming to court time and again for extension of the interim order or for another interim order while the application for bail is pending.

The petitioner was arrested in August, 2017. The charge sheet was submitted on 30th October, 2017. We presume the investigation is complete. Considering the case of the CBI that further investigation would reveal deeper involvement of the petitioner they have had enough time in these five years to conduct and complete the same.

The question of personal liberty of an individual accused of an offence, whatever may be the gravity thereof, is involved.

The petitioner is in custody for five years, although, from time to time enlarged on interim bail.

Considering the facts and circumstances above, we are of the view that the petitioner should now be enlarged on bail upon furnishing a bond of Rs. 50,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Baruipur, subject to the following conditions:-

- A. The passport of the petitioner will remain deposited with the CBI.
- B. The CBI will send a copy of this order to the Principal Secretaries of the appropriate Ministry of West Bengal and Assam. The said Principal Secretaries shall transmit

this order to all the Land Registering Authorities in the two States with the strict instruction that no dealing in the said properties made by the petitioner would be entertained by the said Registering Authorities without modification of this order by a competent court.

- C. The petitioner shall report before the investigating officer as and when summoned and also at least once in a fortnight.

The application CRAN 3 of 2022 for bail is allowed.

The other two applications (CRAN 1 of 2021, CRAN 2 of 2022) for interim bail are disposed of accordingly.

(Subhendu Samanta, J.)

(I.P. Mukerji, J.)