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CRM (DB) No. 2782 of 2022
(CRAN 1 of 2022)

In Re : An application for relaxation of conditions of bail.

AND

In Re : Irfan Ansari & Ors.petitioners

Mr. Ranjit Kumar, Sr. Adv.

Mr. Ayan Bhattacharya

Mr. A H Laskar

Mr. Rajdeep Mazumder

Mr. Vikas Singh

Mr. Sabir Ahmed

Ms. Debanjana Roychoudhuri

..... for the applicants (in CRAN 1/2022)

Mr. Koustav Bagchi

Mr. Debayan Ghosh

Ms. Priti Kar

..... for the de facto complainant

Mr. Saswata Gopal Mukherjee, learned P.P.

Mr. Rudradipta Nandy, learned APP

..... for the State

Heard Mr. Kumar, learned senior Counsel appearing for the petitioners/applicants. He submits his clients are cooperating with investigation. He also draws our attention to the fact that the legality of the investigation is under challenge before the Jharkhand High Court. He prays for confirmation of bail and in the alternative, relaxation of the condition of bail imposed on his clients i.e. not to leave the State of West Bengal. He assures this court that his clients shall co-operate with investigation in accordance with law.

Learned Public Prosecutor with Mr. Nandi opposes the prayers. They submit investigation is at a delicate stage. Money

trail with regard to the unaccounted cash recovered from the petitioners are being explored. Vital witnesses one of whom is stationed in Assam is yet to be examined. Confirmation of bail as prayed for, if granted, would adversely affect the investigation process.

Learned lawyer for the de facto complainant also opposes the prayers. He submits petitioners are habitual offenders.

We have considered the materials on record. After the grant of interim bail, investigation has substantially progressed. Statement of the de facto complainant has been recorded under section 164 Cr.P.C. Statements of other witnesses have also been recorded under section 164 Cr.P.C.

De facto complainant stated that the second petitioner had offered bribe to him to shift his political allegiance.

We note that the specific allegation of offering bribe was belatedly made after the petitioners had been apprehended in Kolkata. Credibility of such allegation requires to be thrashed out in the light of the aforesaid circumstance at the appropriate stage of the proceeding. Investigation has considerably progressed and petitioners had regularly attended the investigating officer. Legality of the investigation is under challenge and an order of restraint has been passed upon the investigating agency to file the police report. Petitioners are public representatives and their presence in the State of Jharkhand is necessary to discharge their duties in their constituencies.

In view of the aforesaid circumstances, we are of the opinion interim bail granted to the petitioners may be confirmed however, subject to following conditions :-

- (i) Petitioners shall report to the investigating officer once in a fortnight until further orders. They shall not threaten or intimidate witnesses in any manner whatsoever and shall co-operate with investigation in accordance with law.
- (ii) Passport if any, deposited by the petitioners before the court below pursuant to an order dated 17.8.2022 shall remain with the said court subject to further orders passed in the case.
- (iii) In view of the submission that a vital witness stationed in Assam who is yet to be examined may be won over, petitioners are restrained from going to the State of Assam without the leave of the court until further orders.

In the event, the petitioners fail to comply with the aforesaid conditions, it shall be open to the prosecution to seek cancellation of their bail in accordance with law.

With the aforesaid observations, application for bail being CRM (DB) No. 2782 of 2022 as well as the application for relaxation of condition of bail being CRAN 1 of 2022 are disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)