

CRM 7972 of 2021
(via video conference)

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

And

In Re : Chinmoy Banerjee

.....Petitioner

Mr. Prabhat Kr. Srivasthav
Mr. Taraknath Jaiswal
Mr. Subhomoy Patra

.....for the Petitioner

Mr. Rudradipta Nandy

.....for the State

Apprehending arrest in connection with Chadrakona Police Station Case No. 451/2019 dated 29.11.2019 under Sections 419, 420, 465, 466, 468, 471, 120B of the Indian Penal Code, the present application has been preferred.

Mr. Srivasthav, learned advocate appearing for the petitioner submits that upon furnishing the relevant certificates and results, the petitioner availed admission in the Institute of Science & Technology, Chandrakona, Paschim Medinipur (hereinafter referred to as the said college) affiliated to Moulana Abul Kalam Azad University of Technology, West Bengal (hereinafter referred to as the said university) and pursued the Bachelor of Technology course. He ultimately emerged to be successful in the final examination. However, a registration certificate was issued by the said university erroneously incorporating his name as 'Soumit Banerjee'. Thereafter, the said college forwarded necessary documents to

the said university seeking correction of the petitioner's name in the concerned certificate. But the same was not responded to by the said university.

He further submits that the petitioner had been hauled up for the irregularities perpetrated by the said college authorities and had been falsely implicated. Upon completion of investigation, charge sheet has also been submitted and as such, custodial interrogation is not warranted and he may be granted anticipatory bail on any stringent condition.

Mr. Nandy, learned advocate appearing for the State opposes the petitioner's prayer and submits that the petitioner is a part of the racket. He had identified himself as 'Soumit Banerjee' and got admission in the said college. The petitioner did not appear in the WBJEE/AIEEE. There are strong incriminating materials on record against the petitioner and as such, he 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.

It appears that a Government order was issued on 25th June, 2010 allowing private self-financing colleges to fill up to a maximum of 10% of seats with candidates, who have secured merits ranks in WBJEE/AIEEE examinations. The petitioner admittedly did not appear in the said examinations and did not secure any rank. *Prima facie*, it appears that the petitioner availed admission impersonating himself as 'Soumit Banerjee'.

The petitioner was absconding and the charge sheet was submitted with a prayer for further investigation.

Considering the seriousness of the offence, its ramifications, the conduct of the petitioner and the extent of his complicity in the alleged offence, we are not inclined to exercise any discretion in his favour. As such, the petitioner's prayer for anticipatory bail is refused.

The application being CRM 7972 of 2021 is, accordingly, dismissed.

Let the case diary be returned to Mr. Nandy.

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.)