

01.12.2022

Sl.No. 2

Ct. 03

Amalranjan

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
APPELLATE SIDE

CRM (DB) 3322 of 2022

Anup Kumar Munshi @ Anup Basu Munshi
Vs.
Central Bureau of Investigation

In Re: An application for bail under Section 439 of the Code
of Criminal Procedure, 1973.

In Re: Anup Kumar Munshi @ Anup Basu Munshi ...Petitioner (in jail)

Mr. Souvik Mitter
Mr. Moyukh Mukherjee
Mr. Koustav Lal Mukherjee
Mr. Abhijit Singh
Mr. Shakti Halder
Mr. Sarthak Mondal

... for the petitioner

Mr. Arun Kumar Maiti (Mohanty)
Mr. Bibekananda Sinha

...for the CBI

The petitioner is allegedly involved in a ponzi scam.

FIR was lodged in 2013.

The Central Bureau of Investigation (CBI) took over
the investigation in 2017.

It appears that between 24th August, 2017 and 31st
January, 2018, the CBI issued notices only under Section
160 of the Criminal Procedure Code to the petitioner.

In an application made by the said agency in the
court of learned Additional District and Sessions Judge,
Gangarampur, Dakshin Dinajpur, on or about 2nd July, 2019,

the averment of the agency, in paragraph 4 thereof, was that the notice was not complied with by the petitioner. Yet in paragraph 5 it stated that notices could not be served.

Mr. Souvik Mitter assisted by Mr. Moyukh Mukherjee, learned advocates for the petitioner submitted that the said notices indicated that throughout, the prosecuting agency required the presence of the petitioner as a witness only.

Mr. Arun Kumar Maiti (Mohanty), learned advocate appearing for the CBI submitted that the petitioner was all through absconding. He had different Pan cards for which his identification for the purpose of arrest has consumed sometime.

To this, learned counsel for the petitioner showed us the bail order dated 20th October, 2017 being annexure P-1 to the affidavit-in-reply to argue that in a case started by SEBI, the petitioner was granted bail in 2017.

Mr. Maiti said that finally on 3rd March, 2022 the petitioner was located in Baruipur, West Bengal, from where he was taken to the Office of the CBI in CGO Complex at Saltlake. He was arrested on that day.

It is submitted on behalf of the CBI that although after completion of investigation chargesheet was submitted on 6th December, 2019, further investigation is being carried on by the agency after conclusion of which a final supplementary chargesheet would be filed.

Mr. Maiti submits that considering the conduct of the petitioner he should not be enlarged on bail.

Our view is as follows:-

The case is of 2013. It is under investigation by the CBI from 2017. The notices issued to the petitioner were only under Section 160 of the Code. These notices are normally issued to potential witnesses only. The petitioner was at least on and from 20th October, 2017 very much in the picture when he was granted bail in the case prosecuted by SEBI.

In our opinion, on the above facts and circumstances, it was not impossible for CBI to arrest the petitioner from 2017.

We grant the CBI time up to 20th December, 2022 to complete the investigation of the petitioner in custody. Whether investigation is complete or not on and from 21st December, 2022 the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties each of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Gangarampur at Buniadpur, Dakshin Dinajpur, subject to the following conditions:

1. The petitioner shall deposit his passport, if he has any, with the investigating officer within three days,

2. He shall meet the investigating officer as and when summoned and also to cooperate in any further investigation,
3. He shall not leave the limits of Murshidabad district, without informing the investigating officer,
4. He shall not tamper with evidence or interfere with the witnesses in any manner,
5. The petitioner shall attend the court on each and every day of trial, in default the court shall be at liberty to cancel his bail bond in accordance with law without further reference of this court.

The application for bail is, accordingly, disposed of.

(Biswaroop Chowdhury, J.)

(I.P. Mukerji, J.)