

CRM (DB) No. 3612 of 2022

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Bishnupur Police Station Case No. 123 of 2021 dated 20.08.2021** under **Sections 402/406/409/465/467/468/471/120B/34 of the Indian Penal Code read with Sections 8/9/13 (1) of the Prevention of Corruption Act read with Section 66D of the Information Technology Act, 2000.**

- A n d -

In the matter of : Shyama Prasad Mukherjee.

.... Petitioner

Mr. Kishore Dutta
Mr. Sourav Chatterjee
Mr. Aniruddha Chatterjee

... For the Petitioner

Mr. Debasish Roy
Mr. Rudradipta Nandy
Mr. Suman De

..For the State

Although, the learned Public Prosecutor submits that the delay in the investigation and trial has been caused primarily due to the fault of the petitioner, the fact that there has admittedly been little or no progress after the rejection of the petitioner's application for bail by a coordinate Bench on 15th June, 2022.

There are at least four orders on record of the Special Court at Bankura from 28th June, 2022 to 6th September, 2022 which record that no summons was issued, no witnesses turned up and no report from the concerned Bank was received by the Court.

Beside the above fact, it also appears from the records before us that of the 55 Schemes approved by the State in favour of the Bishnupur Municipality, 54 of the Schemes were cancelled and money was disbursed only in respect of one Scheme. This may not have been brought to the notice of the coordinate Bench which rejected the application on 15th June, 2022.

The petitioner has been in custody for 421 days and there are 40 witnesses who are required to be examined. Considering the negligible progress made in the matter after June, 2022, we are inclined to allow the application for bail.

We, however, make it clear that the application for bail is allowed subject to specific condition as stated below.

The learned advocate for the State opposes the prayer for bail.

The petitioner shall be released on bail subject to furnishing a bond of Rs. 50,000/- (rupees fifty thousand only) with two sureties of like amount each, one of whom must be local and to the satisfaction of the learned Chief Judicial Magistrate, Bankura. The Petitioner shall not intimidate witnesses or tamper with the evidence. Petitioner shall surrender his passport to the learned Court below and also not leave the locality without leave of the jurisdictional police station. If the learned Court below finds any violation of this direction, it shall be at liberty for canceling the bail without further reference to this Court.

CRM (DB) 3612 of 2022 is allowed in terms of the above.

The petitioner shall file an affidavit within a fortnight before the learned Court putting on record whether the petitioner has passport.

For further emphasis, the petitioner shall make himself available before the Court on each and every day when the petitioner is called for.

(Saugata Bhattacharyya, J.)

(Moushumi Bhattacharya, J.)