

21.12.2022
(KC 2)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M. (DB) 4060 of 2022

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

In the Matter of : Pramatha Nath Manna
.....petitioner.

Mr. Milon Mukherjee, Sr. Adv.,
Mr. Sandipan Ganguly, Sr. Adv.,
Mr. Jaydeep Biswas,
Mr. Kaushik Ghosh
...for the petitioner.

Mr. Dhiraj Trivedi, Ld. D.S.G.I.,
Mr. Sagar Saha,
Mr. Sunil Gupta
...for the Central Bureau of Investigation.

The petitioner is accused of being involved in a ponzi scam.

According to the learned Deputy Solicitor General this scam is of great magnitude and has affected a great number of common people.

The facts of this case are shortly as follows:

The petitioner was taken in custody in September, 2014, according to Mr. Mukherjee, learned senior advocate for the petitioner. However, according to the records he was taken in custody on 17th March, 2015. Investigation is long over. The Central Bureau of Investigation has till date taken no steps to file any supplementary charge-sheet.

At this point of time, we think it necessary to place on record a judgment and order of the Supreme Court in Special Leave to Appeal (Crl.) No. 5785 of 2021 (Pramatha Nath Manna –vs- Central Bureau of Investigation and Anr.). The first paragraph of the said judgment records the allegation against the petitioner of having delayed the trial before the learned trial court. Noting this the court proceeded to direct the learned trial judge as follows:

“we direct the Trial Court at least to commence recording of evidence from the month of January, 2022. The petitioner shall cooperate with the recording of evidence and he shall not be a cause for the delay.

Subject to substantial progress being made in the trial and also subject to the petitioner cooperating with the trial, his application for bail will be considered in the month of July, 2022, after reviewing the progress.”

Nothing substantial has happened after this Supreme Court order. There are allegations by the petitioner of delay having been caused by the Central Bureau of Investigation and counter allegation by the Central Bureau of Investigation that the petitioner has delayed the trial.

For whatever reason, which we are not probing at this point of time, there has been non-compliance with the said order of the Supreme Court.

We note at this point of time the petitioner is in custody for about eight years. Investigation is complete, although learned Deputy Solicitor General submits that investigation is still proceeding and a supplementary charge-sheet is likely to be filed.

We note that the charge-sheet was filed in 2015 and supplementary charge-sheets were filed in 2016 and in September, 2022.

Considering all these factors, we pass the following order.

- (i) The Central Bureau of Investigation is given liberty to carry out whatever investigation they feel is outstanding.
- (ii) Learned Special Judge will proceed with the trial expeditiously and ensure that it is concluded by 31st December, 2023.

We give an opportunity to the Central Bureau of Investigation to make further investigation, as stated above, while the petitioner is in custody.

However, from 16th January, 2023, the petitioner will be enlarged on bail upon furnishing a bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Special Judge C.B.I. (I) Court, Bichar Bhawan, Calcutta on the following conditions:

1. The petitioner shall deposit his passport with the investigating officer,

2. He shall report before the said officer as and when summoned,
3. The petitioner shall not leave the limits of the city of Kolkata without informing the I.C.,
4. He shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever,
5. The petitioner shall attend the court on each and every day of trial, in default, the court shall be at liberty to cancel the bail bond without any reference to this bench.

We make it clear that if the petitioner causes any delay in the trial, to the satisfaction of the learned Special Judge, the delay being such which would disable the learned Special Judge to conclude the trial by 31st December, 2023, on the application of Central Bureau of Investigation the learned court would have the power to cancel this order of bail.

The application for bail [CRM (DB) 4060 of 2022] is, accordingly, disposed of.

(I.P. MUKERJI, J.)

(BISWAROOP CHOWDHURY, J.)

