

01.07.2022
(01 Jul.)
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IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
(CIRCUIT BENCH AT JALPAIGURI)

C.R.M. (DB) 74 of 2022

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

In the Matter of : Awdhesh Kumar Singh
.....petitioner.

Mr. Milon Mukherjee, Ld. Sr. Adv.
Mr. Ayan Bhattacharjee,
Ms. Amrita Panda,
Mr. Amitabrata Hait,
Mr. Suman Majumder ...for the petitioner.

Mr. Dhiraj Trivedi, Ld. Asstt. S.G.,
Mr. Samrat Goswami,
Mr. Shailendra Kumar Mishra ...for the C.B.I.

The incident is of 2006. It relates to the alleged involvement of the petitioner in cheating a large number of persons by raising crores of rupees by practising fraud on them by representing to them that those moneys would be invested in fixed deposits (F.D.), monthly income schemes (M.I.S.) and recurring deposits (R.D.) in companies promoted or controlled by him, when there was no such intention on his part and no real existence of any company.

Mr. Mukherjee, learned senior advocate for the petitioner submits that although the incident is of 2006, it was only on the basis of a complaint made in 2013 by a

woman that an F.I.R. was registered by the police. The petitioner was not named in the F.I.R.

The Central Bureau of Investigation took up the investigation of the case on and from 25th April, 2017.

On 23rd December, 2020, the petitioner was arrested.

Charge-sheet was submitted in March, 2021. The case has not proceeded any further.

Learned counsel submits that the alleged offence, if proved, can result in a maximum imprisonment of three years. The accused has already been in custody for 565 days.

A co-accused Girija Shankar Kumar was released on bail by the Chief Judicial Magistrate, Jalpaiguri on 21st December, 2021, he added.

On the other hand, Mr. Trivedi, learned Assistant Solicitor General submits that this is part of a chain of grave economic offences involving over Rs. 600 crores, fraudulently collected from numerous persons throughout the country on similar representations. Since a whole network is involved investigation takes time. Even after submission of charge-sheet in this case, certain facts have come to light, necessitating further investigation which would expose an even deeper involvement of the petitioner in this chain of crime. He submits that the petitioner should not be released on bail as he would destroy or fabricate evidence or interfere with witnesses.

The facts narrated by Mr. Mukherjee have not been controverted. Even after taking over investigation in April, 2017, the Central Bureau of Investigation took three and half years' time till 23rd December, 2020 to finally arrest the petitioner. If the case of the bureau is that the petitioner will destroy or tamper with evidence or interfere with witnesses, he had enough time between the date of occurrence of the incident in 2006 and his arrest on 23rd December, 2020 to do so.

He is already 565 days in custody.

Much more than a year ago the charge-sheet was submitted. Even after one year of submission of charge-sheet, a supplementary charge-sheet has not been prepared. Trial has not commenced.

However, considering Mr. Trivedi's submission that the offence is very grave and a whole chain in the commission of crime is under investigation, we grant the Central Bureau of Investigation time up to 17th August, 2022 to complete whatever pending investigation.

On and from 18th August, 2022, the petitioner will stand automatically enlarged on bail upon furnishing a bond of Rs. 50,000/- with two sureties each of like amount, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Jalpaiguri subject to the condition that the petitioner shall deposit his passport with the investigating officer, shall report before the said officer as and when summoned, shall not leave the jurisdiction of the

local police station without informing the I.C. and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

The application for bail [CRM (DB) 74 of 2022] is, accordingly, disposed of.

(I.P. MUKERJI, J.)

(SUBHENDU SAMANTA, J.)