

16.3.2023
S.D
Item no.5

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

CRM (DB) 305 of 2023

**Sk. Najibulla @ Rahul @ Belo @ Sk. Nazibulla
-Vs-
The Central Bureau of Investigation**

**Mr. Sandipan Ganguly
Mr. Sabyasachi Banerjee
Mr. Angshuman Chakraborty
Mr. S.S. Saha
Mr. N.S. Ghosh**

...For the petitioner.

**Mr. Arun Kumar Maity(Mohanty)
Mr. Dipankar Dandapath For the CBI.**

The petitioner is allegedly involved in a ponzi scam.

He is in custody for two years and three months.

Chargesheet was submitted on 30th October, 2017.

Mr. Sandipan Ganguly, learned advocate appearing for the petitioner submits that eighty witnesses are to be examined by the prosecution. Charge has not been framed till date.

The fact is that the petitioner was absconding and was arrested only on 20th November, 2020 by a warrant of arrest.

Mr. Maity, learned advocate for the Central Bureau of Investigation submits that further investigation is going on and that a supplementary chargesheet would be filed by his client.

He added that the petitioner was the Managing Director of the company allegedly involved in the ponzi scam. He has also misappropriated funds raised by the company from depositors to his own personal account. For these reasons the petitioner should not be enlarged on bail.

Mr. Ganguly submitted that even after the petitioner's arrest he has not been interrogated even once by CBI. The petitioner is not the Managing Director but only the Director of the company.

Considering the period of detention of the petitioner, the fact

that the chargesheet has been filed, there was no further interrogation of the petitioner after his arrest on 20th November, 2020 and also that the CBI should be given a chance to file a supplementary chargesheet, we direct that the petitioner can only be kept in custody till 17th April, 2023, to enable the CBI to take whatever action it may deem fit and proper after which the petitioner shall automatically be released on bail on the following conditions:

Considering the facts and circumstances above, we are of the view that the petitioner should be enlarged on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Alipore, subject to the following conditions:-

1. The petitioner is to deposit his passport, if he has one, with the investigating agency within three days from date;
2. He will meet the investigating officer as and when summoned and also at least once in a fortnight.
3. He shall not leave the municipal limits of Kolkata 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 the bail bond without any reference to this bench.

(Biswaroop Chowdhury, J.)

(I.P. Mukerji, J.)