

27.06.2023

Sl. 8

Court No. 29

Sourav

(Allowed)

C.R.M. (DB) 2084 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Alipore** Police Station Case No. **142** of **2019** dated **29.11.2019** under Sections **420/409/406/120B** IPC read with Sections **7A/8/9/13** of the Prevention of Corruption Act (Special Case No. **4** of **2020**).

And

In the matter of: **Aniruddha Ghosh**

....petitioner.

Ms. Anusua Sinha

...for the petitioner.

Mr. Neguive Ahmed

Ms. Anita Gaur

...for the State.

1. Heard learned Counsel for the parties.
2. The petitioner being a Nazir is stated to be involved in misappropriation of Rs. 12 lakhs and odd in a tender process. He is stated to be in custody for more than three years. Charge is stated to be framed and trial has commenced.
3. Now vehement argument is placed on behalf of the State and the concerned Registrar, Civil Court on the ground that the witnesses may be terrorized but such contention does not commend to us inasmuch as the District Judge and Registrar are there to give protection to their own witnesses when the offence is alleged to have been committed in connection with court's work at Nazarat Department.
4. We both having come from the lower judiciary fail to understand how the Registrar who is the in-charge of the Nazarat could be let scot-free in the case. All these things happened for the complacency of the concerned District Judge and the Registrar. The case is like to give a bad name

to the dog and kill him.

5. We failed to understand how the petitioner has been in custody for long when all the evidence in the case is documentary in nature which are to be proved by some of the witnesses.
6. We do not find any chance of tampering in evidence as trial has ready commenced and we are satisfied that the petitioner has no means to fly out from this country to evade the trial.
7. Regard being had to such facts and submissions, the factum of permanent residence of the petitioner, nature of offence and the stage of trial, it is directed that the petitioner shall be released on bail by the learned Additional Sessions Judge, 8th Court, Alipore, South 24 Parganas, in Special Case No. 4 of 2020 on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the condition that i) the petitioner shall appear before the learned Trial Court on each date of substantive hearing; ii) he shall not come to the compound of the Alipore District Court except for attending trial.
8. Accordingly, the prayer for bail is allowed.
9. The application being **CRM (DB) 2084 of 2023** is disposed of.
10. Learned Trial Court is hereby directed to act upon the server copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

