

22.08.2023
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rejected

C.R.M.(DB) No. 3034 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with CBI, SPE, ACB, Kolkata Case No. RC0101022A003 [RC-3 of 2022] under Sections 120B/420 of the Indian Penal Code read with Section 7 of the Prevention of Corruption Act.

And

In Re : Jiban Krishna Sahapetitioner

Mr. Kishore Dutta, Sr. Adv.
Ms. Minoti Gomes
Md. Hafiz Alil
Mr. Partha Sarathi Das
Ms. Shanta Sarkar

..... for the petitioner

Mr. Kallol Mondal
Mr. Amajit De
Mr. Arijit Majumdar

..... for the CBI

1.Liberty is granted to correct the cause title.

2.Learned senior Counsel for the petitioner submits he is a Member of Legislative Assembly. He is in custody for 126 days and investigation with regard to the role of the petitioner in the alleged scam relating to illegal appointment of teachers in Government/Government aided schools through School Service Commission is complete. It is also contended that he has been falsely implicated in the case. There is no possibility of his abscondence. Hence, he may be released on bail.

3. Learned Counsel for the CBI opposes the prayer for bail and submits a court monitored investigation with regard to the corrupt practices in the School Service Commission is in progress.

Role of a number of political personalities including the petitioner has transpired in the course of investigation. When the CBI officers went to the residence of the petitioner in the course of investigation, he tried to abscond and destroy evidence. He threw his mobile phones in a pond. Subsequently phones were recovered and on analysis incriminating conversation of the petitioner with one of the candidates from whom he had taken money to secure employment had been extracted. Statements of other prospective candidates stating that they had paid money to the petitioner for procuring employment has also been recorded. Further investigation with regard to the role of the petitioner is still in progress.

4. We have considered the materials on record. Petitioner is a prominent political personality and a Member of Legislative Assembly. Materials on record show he utilized his political connections and induced aspiring candidates to pay money to him for securing appointments as assistant teachers in Government and Government aided schools. Role of the petitioner had transpired in the course of the court monitored investigation regarding corrupt practices in the School Service Commission to procure illegal appointments in Public employment. Statements of aspiring candidates clearly show that the petitioner had taken money for the purpose of securing illegal appointments for the candidates. These statements find corroboration from the telephonic conversation between himself and one of the candidates which had been extracted from the mobile phone of the petitioner. In the course of investigation petitioner tried to abscond and

destroy vital evidence. Further investigation is in progress. In view of nature of crime which involves abuse of power by public servants and corrupt practices to procure illegal employment as teachers in Government and Government aided schools. Prima facie evidence with regard to complicity of the petitioner in the crime, his conduct not to co-operate with investigation and destroy evidence, we are not inclined to grant bail to him at this stage.

5. The application for bail is, thus, rejected.

(Rai Chattopadhyay, J.)

(Joymalya Bagchi, J.)