

08.09.2023
SI. No.20
akd
[ALLOWED]

C. R. M. (DB) 3337 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 14.08.2023 in connection with Arambagh Police Station Case No.243 of 2013 dated 20.04.2013 under Sections 420/406/120B of the Indian Penal Code and subsequently renumbered as RC 2252018E0002 dated 24.09.2018 under Sections 120B/420/409 of the Indian Penal Code and Sections 4/5/6 of Prize Chits and Money Circulation Scheme (Banning) Act, 1978.

And

In Re: ***Prabir Kumar Chattopadhyay***

... .. Petitioner

Md. Sabir Ahmed
Mr. Suman Chakraborty

... .. for the petitioner

Mr. Amajit De
Ms. Hasi Saha

... .. for the CBI

1. It is submitted on behalf of the petitioner that he is in custody for about 218 days. Co-accused have been enlarged on bail. A learned single Judge of this court in CRR 691 of 2023 directed stay of further proceedings in respect of Charge Sheet No.9 of 2022. As a result this issue had not been agitated before the coordinate Bench of this court when his bail prayer came to be rejected. Hence, charge could not be framed. Accordingly, he renews his prayer for bail.
2. Report filed by the CBI is placed on record.
3. Learned Advocate for the CBI submits petitioner was one of the Directors and joint signatory of the company. The company had illegally invited deposits from members of the public and misappropriated Rs.82 crores. He further submits stay was granted with regard to the proceedings on the strength of the first charge sheet.
4. We have considered the materials on record. A learned single Judge in CRR 691 of 2023 granted stay of proceedings in respect of the

first charge sheet. Subsequently, another charge sheet has been filed. It may be apposite to note that the persons who were accused in the first charge sheet have not been discharged in the second charge sheet. Hence, it would be embarrassing for the trial court to proceed on the basis of the second charge sheet and consider the issue of framing of charge before CRR 691 of 2023 is disposed of. Presently, petitioner is incarcerated in custody. This issue had not been agitated before the coordinate Bench when the bail prayer of the petitioner was turned down. Liberty had been given to the petitioner to renew his bail prayer with better particulars after framing of charge.

5. For reasons recorded hereinbefore, trial court is unable to frame charges till the criminal revision is disposed of. Hence, petitioner has approached this court with better particulars.
6. Having considered the aforesaid materials on record in the light of the submissions of the parties, we are of the opinion petitioner has been able to make out a case for bail.
7. Therefore, the accused/petitioner, namely **Prabir Kumar Chattopadhyay**, be released on bail upon furnishing a bond of Rs.25,000/- (Rupees Twenty-five thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Metropolitan Magistrate-II, Kolkata subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.
8. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

9. The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)