

13-12-2023
Item no.7
bail allowed

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction
Appellate Side

CRM (SB) 222 of 2023

Edigineni Gurrappa Naidu
-vs-
Enforcement Directorate

In Re: An application for bail under Section 439 of the code of Criminal Procedure, 1973 filed on 06-12-2023 in connection with ECIR KLZO/04/2023 dated November 29, 2013 in M. L. Case No. 03/2017 under Sections 3/4 of the P.M.L.A Act, 2002.

Mr. Sabyasachi Banerjee
Mr. Indrajit Adhikari
Ms. Ritu Das
Mr. Suman Majumdar

...for the petitioner.

Mr. Arijit Chakraborti
Mr. Deepak Sharma

... for the Enforcement Directorate.

Mr. Banerjee, learned advocate appearing for the petitioner submits that the petitioner appeared on 20th November, 2023 before the learned Chief Judge, City Sessions Court, Calcutta. The learned Chief Judge, City Sessions Court, Calcutta after assessing the conduct of the petitioner was pleased to reject his prayer for bail and therefore the petitioner was taken into custody and since then he is in custody.

Prior to the order dated 20th November, 2023, the petitioner approached this court and in CRR 3874 of 2023 the petitioner undertook that he would appear before the jurisdictional court and in compliance of the said order on 20th November, 2023, the petitioner appeared and thereafter he was taken into custody.

Mr. Arijit Chakraborti, learned advocate appearing for the ED opposes the prayer for bail and submits that in this case being M. L.

Case No. 03/2017 for the last of six years, the petitioner could not be compelled to appear before the learned trial court as he was not allowing the process to be executed. According to the learned advocate for the prosecution the petitioner is influential and he has exerted his influence for the last six years for the purposes of evading the process of law.

It is apprehended on behalf of the prosecution that in case the petitioner is released on bail there is every chance that the petitioner will disrupt the trial and flee away from the process of law.

I have considered the submissions of the learned advocate of the petitioner as well as the learned advocate for the Enforcement Directorate. Having regard to the apprehension so expressed and the conduct of the petitioner as has been seen very recently, I am of the view that further detention of the petitioner may not be warranted and may be released on bail on stringent conditions.

Accordingly, the petitioner shall be released on bail by furnishing a bond of Rs.1,00,000/-(Rupees one lakh only) with two sureties of like amount each, one of whom must be local, subject to the satisfaction of the learned Chief Judge, City Sessions Court, Calcutta/learned Chief Metropolitan Magistrate, Calcutta.

The petitioner shall not leave the jurisdiction of the learned C.M.M, Calcutta without the permission of the learned Chief Judge, City Sessions Court, Calcutta.

The petitioner shall reside within the jurisdiction of learned C.M.M, Calcutta and would for the time being till further orders take an acknowledgement for appearance once in a week from the Officer-

in-Charge, Hare Street Police Station.

The Investigating Officer or any Officer empowered by the Enforcement Directorate would once in every ten days call the petitioner for physical appearance and give an acknowledgement of his appearance. Compliance of the same may be furnished both by the Officer-in-Charge, Hare Street Police Station as well as the concerned Officer of the Enforcement Directorate once in a month before the learned Chief Judge, City Sessions Court, Calcutta.

Such conditions would continue for a period of six months. Thereafter, the petitioner would be at liberty to approach this court for modification of the conditions.

Accordingly, the application for bail CRM (SB) 222 of 2023 is allowed.

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this Court.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

[Tirthankar Ghosh, J]

