

02.05.2024
Sl. No.68
akd
[ALLOWED]

C. R. M. (DB) 736 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 22.02.2024 in connection with RC 6 of 2022 under Sections 120B/467/468/471/420 of the Indian Penal Code and Sections 7A/8 of the Prevention of Corruption Act.

And

In Re: ***Niladri Ghosh***

... .. Petitioner

Mr. Jaydeep Biswas
Mr. Smitesh Chatterjee
Mr. Shiprovon Seal
Mr. Kaushik Ghosh

... .. for the petitioner

Mr. Dhiraj Trivedi .. Id. Dy. Solicitor General of India
Mr. Amajit De
Mr. Arijit Majumder
Ms. Supriti Sarkhel

... .. for the CBI

1. It is submitted on behalf of the petitioner that he is in custody for about 440 days. It is further submitted petitioner has been falsely implicated in the instant case. Money received by him from two candidates to the tune of ₹2,00,000/- has been refunded. The candidates were not given appointment. Accordingly, he prays for bail.
2. Learned Deputy Solicitor General of India opposes the prayer for bail and submits petitioner was a sub-agent who was recruited by Kuntal Ghosh, Gopal Samanta and others to procure illegal gratification from undeserving candidates.
3. We have considered the materials on record. Allegations involve illegal appointments to posts of primary teachers in various government and aided schools in the State. A deep rooted conspiracy was hatched between the office bearers of the Board and

others to appoint undeserving candidates as teachers against illegal gratification. Role of the petitioner appears to be a minor one. He was one of the foot soldiers in the conspiracy. He was deployed to approach some candidates and procure money. Two candidates viz. Achintya Deb Hazra and Sumit Kumar Bera stated they had given ₹1,00,000/- each to the petitioner. However, they were not appointed and money has been refunded.

4. Other materials on record in the form of entries in a diary written by a co-accused are not corroborated by statements of candidates with regard to involvement of the petitioner. Probative value of these uncorroborated entries made by a co-accused requires to be assessed at the appropriate stage of the proceeding. There is no possibility of commencement of trial.
5. In view of the marginal role of the petitioner in the conspiracy and the protracted period of detention suffered by him, we are of the opinion further detention of the accused/petitioner is not necessary and he may be enlarged on bail however, subject to strict conditions.
6. Therefore, the accused/petitioner, namely **Niladri Ghosh**, be released on bail upon furnishing bond of Rs.50,000/- (Rupees Fifty thousand only), with five sureties of like amount each, two of whom must be local, to the satisfaction of the learned Judge, CBI, Court No.1, Alipore, South 24-Parganas 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 and on further condition that the petitioner, while on bail, shall not leave the municipal limits of the city of the Kolkata as well as the districts of South 24-Parganas and North 24-Parganas without the leave of the Investigating Officer and

shall report to the Investigating Officer viz. Inspector Washim Akram Khan, CBI, ACB, Kolkata once in a fortnight until further orders. Prior to his release, he shall deposit his passport, if any, with the trial Court.

7. In the event he fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
8. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)