

19.11.2025

Item No.56

Ct.No.35

dc.

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M. (M) 1781 of 2025

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with CBI/ACB/Kolkata Case No. RC0102022A0003 (R.C. Case No. 3) dated 07.04.2022 under Sections 120B/420 of the Indian Penal Code and Section 7 of the Prevention of Corruption Act, 1988 and Sections 120B/109/467/468/471 of the Indian Penal Code and Sections 7/7A/8 of the Prevention of Corruption Act, 1988 (as amended by the Prevention of Corruption (Amendment) Act, 2018.

And

In Re : **Dr. Kalyanmoy Ganguly**

... Petitioner.

Mr. Sandipan Ganguly, Sr. Adv.,
Ms. Manaswita Mukherjee

... For the Petitioner.

Mr. Dhiraj Trivedi, Id. DSGI,
Mr. Amajit De, Spl. PP,
Mr. Arijit Majumdar

... For the C.B.I.

Learned senior advocate appearing for the petitioner submits that the petitioner is in custody in connection with the instant case for a period of about 700 days and in respect of the other cases wherein he was arrested, he is in custody for more than three years. It has been pointed out that in connection with R.C. Case No. 3 dated 07.04.2022, the other accused persons being Dr. Partha Chatterjee, Dr. Subiresh Bhattacharya and Dr. Santi Prasad Sinha are on bail.

So far as the locus of the present petitioner in respect of the instant case is concerned, according to the learned

senior advocate for the petitioner, he is on a better footing than the other accused persons who have been granted bail.

It has also been pointed out on behalf of the petitioner that so far as the vulnerable witnesses are concerned, eight witnesses have already been examined by the learned Trial Court and as such, the prosecution should not have any reservation so far as the present petitioner and his issue relating to liberty is concerned.

Mr. Trivedi, learned DSGI appearing for the CBI, on the other hand, opposes the prayer for bail and submits that for the interest of justice, two other witnesses, so far as the present petitioner is concerned, are deemed to be vulnerable whose examination could have in the circumstances secured the prosecution case. It has also been contended that there are materials appearing and also materials which have surfaced against the present petitioner which probabalises the case of the prosecution.

Learned Trial Court has examined eight witnesses. However, prayer for bail of the petitioner is opposed on the grounds that until and unless two of the witnesses being Rony Roy and Subhra Das are examined, it would be difficult for the prosecution to take the case to its logical conclusion. Consequently, this Court directed the petitioner and the prosecution to place the evidence of eight witnesses and the purpose for which the other two witnesses have been considered to be indispensable without which bail cannot be granted to the petitioner.

I have assessed the said circumstances and the materials which are already thereon record. Having regard to the locus of the present petitioner in comparison with the other accused persons who have already been released on bail, I am of the opinion that further detention of the present petitioner is unwarranted. As such, the prayer for bail of the petitioner viz., **Dr. Kalyanmoy Ganguly** is **allowed** subject to satisfaction of the terms and conditions to be imposed by the learned Special Court in seisin of R.C. Case No. 03 of 2022/Special Case No. 03 of 2025.

The application for bail, being CRM (M) 1781 of 2025, is, thus, disposed of.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)