

23.02.2026
Court No.35.
D/L. 256
(PA)
(Rejected)

CRM (R) 123 of 2025

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with CBI Case No. RC0102024A0007 dated 24.08.2024 under Sections 120B/420/409/467 of the Indian Penal Code and Sections 7/13(1)(a) of the Prevention of Corruption Act.

And

In the matter of : Ashish Kumar Pandey.

.....Petitioner.

Mr. Prabir Kumar Mitra, Sr. Adv,
Mr. Pinak Kumar Mitra
Mr. Kaustav Talukdar
Ms. Sudarshana Srivastava
.....for the Petitioner.

Mr. Rajdeep Majumdar, Ld. DSGI
Mr. Amajit De, Special PP, CBI
Ms. Arushi Rathore
.....for the CBI.

Mr. Prabir Kumar Mitra, Learned Senior Advocate appearing on behalf of the petitioner submits that the petitioner is a doctor who was successful in the medical entrance test of 2018 and got admission in R.G. Kar Medical College and Hospital and completed his five years MBBS course in the year 2023. He was engaged in the house staff ship of Paediatric Medicine from 2nd May 2023 till 18th April 2024 and was selected by head of the department, Professor Dr. Gobinda Chandra Das. After his tenure was over, petitioner was again selected for a period of 4 months from 8th May 2024. Unfortunately, petitioner was arrested on 03.10.2024 and he is in custody for 1 year and 4 months. Petitioner cooperated with the

investigation of the case, charge-sheet has already been submitted and as such the detention of the petitioner is bound to jeopardize his career as a medical professional. Learned advocate for the petitioner submitted that the summary of the accusations against the petitioner is as follows:

(i) The petitioner in connivance with Dr. Sandip Ghosh influenced interview scores of underserving candidates and dishonestly procured house staff ship for them.

(ii) The petitioner in connivance with Dr. Sandip Ghosh debarred candidates who did not support Dr. Sandip Ghosh.

(iii) The petitioner received money from two doctors namely, Dr. Deepayan Pal and Dr. Sukanta Sarkar per month for three months.

Learned advocate submits that petitioner being a fresh MBBS graduate and himself being a house staff in the Paediatric department had no say in the process of selection of candidates and was never a part of any committee to decide the same. There was a committee which gave approval for house staffship . None of the members of the committee have been made accused in the present case and the petitioner has been victimized and vindicated by certain individuals. The allegation of the prosecution that there are list of undeserving candidates from whom the petitioner has been benefited is not fortified by any evidence collected by the Investigating Agency and different doctors has been named in the charge-sheet who had control or say in respect of certain appointments but the said doctor has been left out by the Investigating Agency in the charge-sheet. The amount which has

been referred to in the CBI charge-sheet hardly substantiates a major accusation even if it has been accepted to be true and relates to quantum of money which doctors exchange or accept for other issues relating to their services rendered.

It has been contended that the petitioner obviously has a political affiliation for which he has been victimized and the allegations made in the charge-sheet are without any substantive materials and has been drawn out of proportion for the purposes of detaining him behind the bars for a considerable period of time.

Lastly, it has been submitted that the Central Bureau of Investigation has relied upon 147 witnesses and more than 600 exhibits in order to prove its case. There is no possibility of the trial being concluded in the near future, as such, the petitioner may be released on bail on any stringent condition.

Learned DSGI appearing for the CBI opposed the prayer for bail and drew the attention of the Court to the charges levelled against the present petitioner which is reflecting in the charge-sheet as follows:

“Ashish Kumar Pandey in connivance with Dr. Sandip Ghosh, procured house staff ship for many un-deserving candidates by manipulating interview scores of candidates as well as dishonest inclusion of three choices rules which was contrary to the guidelines issued by DME. Dr. Ashish Kr Pandey in connivance with Dr. Sandip Ghosh manipulated marks to secure selection of his choice and to debar candidates who did not support Dr. Sandip Ghosh. Dr. Ashish Kumar Pandey also demanded and received illegal gratification in the form of cut money from selected candidates @ Rs 8000 and Rs. 7500 monthly for three months at recurring dates.

The aforesaid acts of the accused constitute offences punishable under sections 120B, 409, 420, 468, 471 of IPC read with sections 7, 13(2), 13(1)(a) of PC Act, 1988 (as amended by the Prevention of Corruption (Amendment) Act, 2018) and substantive offences under section 420 of IPC and Section 7, 13(2) r/w 13(1)(a) of PC Act, 1988 (as Amended In 2018). “

Additionally, it has been submitted by the learned DSGI that the petitioner is an influential person who is competent enough to manipulate the further process of trial having a political background. The vulnerable witnesses are yet to be examined so far as the present petitioner is concerned and at this stage if bail is granted, there is every possibility of the witnesses being tampered.

I have taken into account the overall materials appearing against the petitioner and the gravity of the charges.

The vital witnesses so far as the present case is concerned is yet to be examined and the petitioner by his act and/or action within the College/Hospital has been able to establish his influence. On an assessment of the overall circumstances, I am of the view that until and unless the relevant witnesses are examined in the present case who are related to the present petitioner, there is every possibility that the trial of the case would be jeopardized.

Hence, the prayer for bail of the petitioner is **rejected**.

Accordingly, **CRM (R) 123 of 2025** is dismissed.

Pending applications if any are consequently disposed of.

All 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.)