

23.02.2026
Court No.35.
D/L. 257
(PA)
(Rejected)

CRM (DB) 74 of 2025

**With
CRAN 1 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 : Afsar Ali Khan.

.....Petitioner.

Mr. Sandipan Ganguly, Sr. Adv,
Mr. Debajyoti Deb
Mr. Shyamal Mondal
Mr. H.K. Jha
Mr. Ayan Bhowmick
Mr. Debojyoti Kumar
Ms. Somdyuti Parek

.....for the Petitioner.

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

.....for the CBI.

Mr. Sandipan Ganguly, Learned Senior Advocate appearing on behalf of the petitioner submits that the petitioner was employed as an Additional Security at the R.G. Kar Medical College and Hospital and was not in any way attached with M/s. Ehsaan Café which was being managed and operated by his wife namely, Ms. Nargis Khanum.

The said Café is a proprietorship concern and unnecessarily, the petitioner is being disgraced with such allegations. Additionally, it has been submitted that the said Cafe was

obtained by application in a tender wherein, there has been compliance of all formalities. For the purposes of the said Café, a monthly rental of Rs.9000/- was regularly paid. Further, the petitioner and his wife had no role so far as the bid or tender process is concerned and for that no specific documents have been placed by the prosecution except certain verbal accusations.

On behalf of the petitioner it was further canvassed that erroneously if the caution money has been released in favour of the Café, the same is to the proprietorship concern with which the petitioner's wife is related and the petitioner is in no way associated.

Attention of the Court was also drawn to another accusation which has been made in the charge sheet submitted by the CBI that the petitioner was controlling and operating two-wheeler parking contract at the Hospital and the money collected was deposited to the petitioner on regular basis.

According to the Learned Senior Advocate the concerns which were operating for collection of the fund relating to parking of the two-wheeler had no relationship with the petitioner and not even a single penny at any point of time was either collected by him or on his behalf, nor the same was ever deposited with him.

Petitioner being the Additional Security acted on instructions of Dr. Sandip Ghosh and never exceeded his authorities. Further, no disproportionate amount was unearthed in course of investigation and mechanically, out of grudge the petitioner has

been implicated in the present case as an accused thereby, causing him to face trial under the relevant provisions of BNS and the Prevention of Corruption Act.

Learned advocate for the CBI opposed the prayer for bail and drew the attention of the Court to the substance of the allegations which have been referred to in the charge-sheet and which reads as follows:

“Afsar Ali Khan in connivance with co-accused Dr. Sandip Ghosh had dishonestly and fraudulently got applied and obtained contract for setting and operating café at R.G. Kar. Medical College & Hospital, Kolkata in the name and style of "Eshan Café" (Proprietor Ms. Nargis Khanun w/o- Afsar Ali Khan). He under conspiracy had got submitted multiple dummy bids and got executed agreement dated 08.12.2022 in favour of Eshan Café by depositing non-refundable caution money of Rs. 1 lakh and exceeding the validity of agreement for 05 years instead of stipulated 03 years. He in connivance with co-accused Dr. Sandip Ghosh dishonestly and fraudulently got executed civil maintenance work such as minor civil repairing and renovation, electrical works, repairing of sofa/photocopy machine, fitting of curtains etc. issued in the name of M/s National Construction, M/s Nisha Enterprise controlled by him and got unduly benefited to the tune of approx. Rs. 9,69,386/- (Rs. 7,34,038/-- National Enterprises and Rs. 2,35,348/-- Nisha Enterprise). That he dishonestly and fraudulently was operating two-wheeler parking contract at RGKMCH in name of M/s Shah Enterprises and M/s National Construction and collected parking charges and got unduly benefited.

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 u/s 420, 468 and 471 of IPC.”

Records of the case reflect that petitioner was arrested on 3rd September, 2024 and since then he is in custody in connection with the instant case. The Investigating Agency while collecting evidence has relied upon a number of witnesses.

Primarily, there are allegations that the petitioner was able to establish his authority within the campus of R.G. Kar Medical College and Hospital and his activity was not restricted to a security and became a larger than human figure.

The trial of the case is in progress. There are vulnerable witnesses who are left to be examined. At this stage as such, I am not inclined to release the petitioner on bail.

Accordingly, the prayer for bail of the petitioner in **CRM (DB) 74 of 2025** is **rejected**.

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.)