

13.10.2026

Item No.7

(ct. no.34)

sg

CRM (M) 2466 of 2026

Sabyasachi Dutta

Vs.

The State of West Bengal

In re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding of Section Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 arising out of Bidhannagar (North) Police Station being PS Case No. 98 of 2026 dated June 08 2026 under Section 13(1)(B) Prevention of Corruption Act under Sections 3(5)/308(5) 351(3), 506/1389 of the Bharatiya Nyaya Sanhita, 2023 G.R. Case No. 752 of 2026 pending before the learned Additional Chief Judicial Magistrate Bidhanagar.

Mr. Sabysachi Banerjee, sr.adv.

Mr. Anand Keshari

Ms. Diksha Ghosh

Mr.Snehashish Dey

...For the petitioner.

Mr. Kallol Mondal

Mr. Aditya Tiwari

...For the State.

- 1.** Memo of evidence filed be kept with the record.
- 2.** The instant application has been filed for granting bail under Section 439 of Cr.P.C on behalf of the petitioner after an order of refusal passed by the Learned Special Court Barasat.

3. It is submitted by the learned Senior Advocate representing the petitioner that there is prolong delay in lodging the application as the incident was of the 2018 and the complaint was lodged in the year 2026 after change of regime. The specific allegation mentioned in the written complaint reflects about demand of Rs. 2.30 lakhs in the year 2018 and payment of the same to another person who has been released on bail. Further alleges demand of Rs. 1 crore without specifying any date or time however, the complaint is absolutely silent about the fate of the subsequent demand and lastly threatening over phone call with dire consequences without giving any specific details.

4. The Learned Senior Advocate further submits the complaint was lodged before Bidhannagare North Police station and the case started on June 8,2026 but the notice issued under section 35(3) BNSS is dated 20.5.2026 and in respect of the Bidhannagar P.S Case no 98/26 dated 9/6/2026 and the notice was signed by the police on 8.6.2026. In the Arrest Memo also the date of initiation of the proceeding is shown as 9.6.2026 .It is further his contention that due to political vendetta the bare minimum time was not provided to the petitioner to reply 39 grounds alleged against him long after 8 years . After he being arrested various premises and close aids were

searched and prayer made to add section 13(1)(b) of the Prevention of Corruption Act and 351 (3) of the BNS .

5. It is the further stand of the Learned Senior Advocate that the egregious and inexplicable delay, not substantiated by any cogent reasons fundamentally strikes at the root of the prosecution and renders the entire narrative as afterthought. However if on bail the petitioner undertakes to abide by all the stringent conditions.

6. It is further submitted that there are glaring anomalies found in the documents lying seizure list wherefrom seizure of gold articles were recovered from lady at a different addresses. There are five other complaints lodged against the present petitioner however in all the cases he is presently enlarged on bail.

7. Learned Senior Advocate has relied upon number of decisions to substantiate that the apprehension of the prosecution with regard to grant of bail in favour of a Member of Parliament was negated by the Hon'ble Apex court in ***P. Chidambaram Vs. Central Bureau of Investigation reported in (2020) 13 Supreme Court Cases 337 ,Arvind Kejriwal Vs. Directorate of Enforcement reported in 2024 SCC Online SC 2550, Sanjay Chandra Vs. Central Bureau of Investigation reported (2012) 1 Supreme Court Cases 40***

8. On behalf of the prosecution raises strong objection. It is submitted that in course of investigation it is found from the bank locker of the present petitioner huge amount of gold ornaments and a large extent of cash while he was a an elected Member of legislative Assembly of erstwhile ruling party . The allegations were serious in nature and charge sheet has been submitted against the petitioner under Prevention of corruption Act and being an influential person will have an impact on the trial which has not yet been commenced .

9. Heard the learned counsels and perused the materials on record collected in course of investigation. The charge sheet has been submitted on conclusion of the investigation and later on the prayer made by Investigating Officer charges under Section 13(1)(B) of Prevention of Corruption of Act has been incorporated against the present petitioner who has in custody since May, 2026.

10. The petitioner is a public figure and also was the Mayor of Bidhananagar Municipality from 2015-2019 and also elected Member of the Legislative Assembly of Government of West Bengal of the previous ruling party.

11. On careful perusal of the complaint the allegations are found are demands of money in the year 2018 but no

complaint was lodged before any of the forum at any point of time till the present complaint is lodged in the year 2026. The complaint is devoid of any explanation regarding such inordinate delay in lodging the complaint. Allegations pertains to demand of money of Rs 2.30,000/- which was received by the co-accused who is enlarged on bail and slapping and threatening.

12. In the decision ***P. Chidambaram Vs. CBI (supra)*** it was observed by the Hon'ble Apex Court taking note of the decision of ***Gudikanti Narasimhulu vs Public Prosecutor (1978)1SCC 240*** that bail is not to be withheld as a punishment ,the requirement of bail is merely to secure the attendance of the prisoner at trial .It was further observed that Bail jurisprudence is a facet of a civilized criminal justice system .An accused is presumed to be innocent until proven guilty by a competent court of law following due process .The Hon'ble Court has reiterate again and again the salutary principle that bail is the rule and the jail is the exception .

13. In the said decision the High court held in favour of the appellant by holding that the appellant is not a 'flight risk'" i;e no possibility of abscondence .This view of High court was accepted by the Hon'ble Apex court since the High court passed certain directions like surrender of

passport etc. to secure Flight risk. It was also held that so far tampering with evidence” So far as tampering with evidence is concerned High Court rightly held documents relating to the case are in the custody of the prosecuting agency, the Government of India and the Court and there is no chance of the appellant tampering with evidence.

14. Considering the observation of the Hon’ble Apex Court and that charge sheet has been submitted in this case as the well as supplementary charge sheet is also submitted this Court is inclined to allow the prayer however on interim basis subject to fulfilment of certain stringent condition.

15. Accordingly the petitioner Sabyasachi Dutta be released on **interim bail till 30th November, 2026** upon furnishing bail bond Rs. 50,000/- two sureties of like amount and one whom must be local subject to the satisfaction of learned Additional Chief Judicial Magistrate, Bidhananagar subject to following conditions ;

- i) *The petitioner shall surrender the passport to the court of learned Additional Chief Judicial Magistrate Bidhananagar forthwith after being released and shall not leave the state without obtaining permission from the concerned court .*

- ii) *The petitioner shall not tamper with the evidence and will not try to intimidate the witnesses.*
- iii) *He will appear before the Learned trial court on each date of hearing as well as whenever asked to be present .He shall intimate the location and address to the Investigating officer before leaving the jurisdiction of the Learned Trial court .*
- iv) *In the event violation of any of the above mentioned condition this interim order of bail will be treated as cancelled without further making any reference to the Court.*

16. Prosecution will be at liberty to submit a report after completion of the period of interim bail.

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

19. Criminal Section is directed to supply urgent certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

[Chaitali Chatterjee (Das)]