

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

The Hon'ble **JUSTICE SUVRA GHOSH**

CRM (M) 427 of 2025

Partha Chatterjee
v/s.
Central Bureau of Investigation

For the Petitioner: Mr. Milon Mukherjee
Mr. Apalak Basu
Ms. Nazir Ahmed
Ms. Sanghamitra Mridha
Mr. Subham Kanjilal
Mr. Yavik Singhal
Ms. Sarnali Gupta

For the CBI: Mr. Dhiraj Trivedi, Ld. DSGI
Mr. Amajit De
Mr. Arijit Majumdar

Hearing concluded on: 15.09.2025

Judgment delivered on: 26.09.2025

SUVRA GHOSH, J. :-

1. The petitioner was the Education Minister of the State of West Bengal since 2016. He was a member of the West Bengal Legislative Assembly since 2001 and a member of the ruling party. He was also a minister in the West Bengal State Cabinet from 2011 to 2022. FIR was registered against unknown office bearers of the West Bengal Board of Primary Education for offences punishable under Sections 120B/420/467/468/471/34 of the Indian Penal Code read with Sections 7/7A/ 8 of the Prevention of Corruption Act by the CBI Anti-Corruption

Branch, Kolkata on 9th June, 2022 in compliance with an order passed by this Court on 8th June, 2022 in WPA 9979 of 2022. It was alleged that the accused persons gave appointment to ineligible candidates on extraneous consideration. Charge sheet was submitted on 18th May, 2023 wherein the petitioner was not named. Thereafter, supplementary charge sheet was submitted which did not name the petitioner. During further investigation, the petitioner was produced before the learned Court on 1st September, 2024 on prayer of the CBI, on the strength of production warrant. The CBI filed another application for showing arrest of the petitioner in the present case on account of his role in the recruitment scam. Such prayer was allowed and the petitioner was shown as arrested in the present case on 1st October, 2024. Second supplementary charge sheet was submitted by the CBI wherein the petitioner has been named as one of the accused. Prayer for further investigation made by the CBI was allowed and third supplementary charge sheet was submitted. Further investigation is still in progress. On the basis of the FIR, an Enforcement Case Information Report (ECIR) dated 24th June, 2022 was registered by the Directorate of Enforcement (for short the E.D.) for alleged commission of offence under Section 3 read with Section 70 and punishable under Section 4 of the Prevention of Money Laundering Act (hereinafter referred to as the PMLA). The petitioner was arrested in connection with the ECIR on 23rd July, 2022.

2. Learned counsel for the petitioner has submitted that the case is based on documentary evidence and all the documents pertaining to the case are in custody of the CBI/the Court. The documents collected by the CBI are

also part of the documents in the case registered by the E.D. The petitioner is on bail in all the other cases registered against him. Out of 12 accused persons 11 are on bail. Manik Bhattacharya, President of the Board was the kingpin and was aided by Ratna Chakraborty Bagchi, Secretary of the Board. She has been shown as a witness in the charge sheet.

3. The petitioner was interrogated only on one occasion on 15th October, 2024. There are 34 common witnesses in the two cases registered by the CBI and the E.D. The Hon'ble Supreme Court has granted bail to the petitioner in the E.D. case on 13th December, 2024 considering his prolonged detention. In the meantime, he was shown as arrested in the present case. Transcription of the call detail records are not accompanied by a certificate under Section 65 B of the Indian Evidence Act.
4. Learned counsel has placed reliance on the judgment of this Court delivered on 12th September, 2024 in CRM (SB) 72 of 2024.
5. Vehemently opposing the prayer, learned counsel for the CBI has submitted that a list of 752 candidates who did not qualify for the post was generated, falsely showing them as "withheld candidates". Out of them, 310 candidates were appointed as primary school teachers and the entire list was sent to Manik Bhattacharya, the then President of the Board and Smt. Bagchi, the then Secretary. Sri Bhattacharya visited the office of the petitioner and in his presence, handed over a list of 269 candidates to Prabir Banerjee and instructed him to add their names to the list of 767 candidates prepared earlier. Upon being detected that the names of 31 candidates out of the list of 269 did not figure in the list of

767 candidates already available with Prabir Banerjee, Sri Bhattacharya directed him to add these 31 candidates to the list. At the behest of Sri Bhattacharya, marks were awarded to these 269 candidates though no interview and aptitude test were conducted. After taking the details of such appointment in a C.D, Prabir Banerjee was asked to delete the data from the computer which was being used by him. He did not delete the said data and instead, sent the list to his personal email id for record. The said email communication has been seized during investigation. Statements of Prabir Banerjee, Suparna Neogi and Nirmalendu Adhikary implicate the petitioner in the alleged offence.

6. The petitioner, in criminal conspiracy with Manik Bhattacharya, appointed 310 out of 752 candidates as primary school teachers without conducting any interview. All the accused persons including the petitioner joined hands in securing illegal appointment of undeserving candidates in lieu of extraneous consideration. The transcription of the call details demonstrates direct nexus of the petitioner with the alleged offence. Investigation is continuing. Given the status and influence of the petitioner, chances of the witnesses being intimidated/influenced cannot be ruled out if the petitioner is granted bail at this stage.
7. Learned counsel has placed reliance on the following authorities in support of his contention.

- (i) Partha Chatterjee v/s. Central Bureau of Investigation in Criminal Appeal Nos. 3618-3619/2025, [@ SLP [CRL.] Nos. 2471-2472/2025;

- (ii) Y.S. Jagan Mohan Reddy v/s. Central Bureau of Investigation reported in (2013) 7 Supreme Court Cases 439;
- (iii) Sri Shailesh Kumar Pandey v/s. The Union of India in CRM (SB) 206 of 2023;
- (iv) State of Karnataka v/s. Sri Darshan Etc. in Criminal Appeal Nos. 3528-3534 of 2025 (Arising from SLP (Crl.) Nos. 516-522 of 2025);
- (v) Arvind Dham v/s. Directorate of Enforcement in Bail Appln. 544/2025 & CRL. M. (Bail) 262/2025.

8. I have considered the rival contention of the parties and material on record.

9. The principles governing grant of bail are well settled. They are as hereunder:-

- (i) Nature and gravity of the offence;
- (ii) Material collected in course of investigation in support of the accusation and involvement of the accused;
- (iii) Requirement of detention for the purpose of investigation/trial;
- (iv) Flight risk, i.e. possibility of abscondence or evasion of the process of law;
- (v) Possibility of commission of similar offences; and
- (vi) Intimation of witnesses and/or tampering of evidence.

10. In granting bail to the petitioner in the E.D. case, the Hon'ble Supreme Court has reiterated the settled principles of law that a suspect cannot be held in custody indefinitely and that under-trial incarceration should not

amount to punitive detention. The Hon'ble Court chose not to express any opinion on the merits of the allegations.

11. In the authority in Y.S. Jagan Mohan Reddy (supra) the Hon'ble Supreme Court has distinguished economic offences from other offences and has observed as follows:-

“34. Economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. The economic offences having deep-rooted conspiracies and involving huge loss of public funds need to be viewed seriously and considered as grave offences affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country.

35. While granting bail, the court has to keep in mind the nature of accusations, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public/State and other similar considerations.”

12. While considering the issue of “bail or jail”, the Court requires to balance the cry of liberty of an under-trial against the other equally weighty issues as stated earlier.
13. It prima facie appears that the petitioner, Manik Bhattacharya and others misused their official position and appointed undeserving candidates as primary school teachers in lieu of consideration, thereby depriving the legible aspiring candidates of public employment. Undoubtedly the

allegations are extremely grave and involve corruption which adversely impacts the society at large. The material unearthed during investigation including statements of witnesses and audio content of conversations among the co-accused demonstrate that the entire exercise was conducted at the behest of the petitioner and Manik Bhattacharya who was the President of the Board at the relevant time. Both Manik Bhattacharya and the petitioner appear to have abused their position in committing the alleged offence. The witnesses have put both of them on the same pedestal in attributing specific roles to them. Manik Bhattacharya has been granted bail by this Court. The other co-accused are also on bail.

14. The petitioner is no longer holding the post of the Education Minister of the State. He has strong roots in the society. He has responded to the summons issued by the investigating agency. This Court is informed that he is a septuagenarian person and is suffering from various ailments. There is little chance of his abscondence or evasion of the process of law. His appearance before the learned Trial Court/the investigating agency can be secured by imposing stringent conditions.
15. The case is based on documentary evidence which have been seized and are in custody of the investigating agency or the Court. The petitioner was arrested in the E.D. case on 23rd July, 2022. He was released on bail by the Hon'ble Supreme Court in the said case. He was shown as arrested in the present case on 1st October, 2024. He was interrogated by the investigating agency only on one occasion on 15th October, 2024. Therefore it can be inferred that the investigating agency does not require

further custodial interrogation of the petitioner. Most of the documents collected in both the cases are common. A good number of witnesses are also common in both the cases. Evidence of the present case is already in possession of the investigating agency. There is remote chance of the petitioner influencing or intimating witnesses or interfering with investigation at this stage, moreso, as investigation of the present case is continuing for more than a year and that of the connected E.D. case for more than three years. Investigation of the present case is in fact a continuation of the investigation of the E.D. case which was initiated before more than three years.

16. With regard to the apprehension of the petitioner committing similar offences, the Hon'ble Supreme Court has time and again held that a person's position or influence in the society should not be a ground for either allowing or denying bail and cannot constitute a special consideration. Allegation against the petitioner involves abuse of his official position which he no longer holds. He, therefore, cannot be said to be in a position to misuse his office or commit similar offences.
17. In the authority in State of Karnataka, (supra) the Hon'ble Supreme Court has dealt with grant of bail in a case involving charges under Sections 302/120B/34 of the Indian Penal Code. The Hon'ble Court has laid down settled principles for grant or refusal of bail in such a case. All the offences in the present case except Section 467 of the Indian Penal Code attract maximum punishment of seven years. Section 467 of the Code attracts punishment of life imprisonment. At this stage, this Court does not wish to delve into the issue of applicability of Section 467 of the Code

in the present case as it shall be assessed at the appropriate stage of the proceeding.

18. The judgment of the co-ordinate Bench of this Court in CRM (SB) 206/2023 delivered on 7th May, 2024 pertains to an offence under the PMLA. The *ratio decidendi* of the judgment is not applicable in the present case.

19. The petitioner is in custody for more than a year. He has been granted bail in the E.D. case. He has not been interrogated by the investigating agency after 15th October, 2024. He is similarly circumstanced with co-accused Manik Bhattacharya who is on bail. Investigation is still continuing. There is little possibility of commencement/conclusion of trial in near future. It is trite law that incarceration of an under-trial should not amount to punitive detention.

20. In the light of the discussion made hereinabove and striking a balance between the factors determining grant of bail and liberty of the petitioner as enshrined under Article 21 of the Constitution of India, this Court is of the view that further detention of the petitioner is not justified and he may be released on bail subject to stringent conditions.

21. Accordingly, prayer for bail is allowed.

22. The petitioner be released on bail upon furnishing bond of Rs. 10,00,000/- (Rupees ten lakhs only) with adequate sureties of like amount each, half of whom should be local, to the satisfaction of the learned Trial Court, subject to the following conditions:-

- (i) The petitioner shall surrender his passport with the learned Trial Court at once;

- (ii) He shall not leave the territorial jurisdiction of the learned Trial Court without leave of the Court;
- (iii) He shall appear before the learned Trial Court on every date of hearing fixed by the learned Court;
- (iv) He shall not tamper with evidence or intimidate witnesses in any manner whatsoever;
- (v) He shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses;
- (vi) He shall provide his mobile phone number before the learned Trial Court and the investigating agency and shall not change the same without prior intimation to them;
- (vii) He shall meet the investigating officer once a week until further orders and cooperate in investigation;
- (viii) He shall not be appointed to any public office (except that he is continuing to be a member of the West Bengal Legislative Assembly) during pendency of investigation and trial;

23. In the event the petitioner violates any of the bail conditions stated above, the learned Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

24. It is made clear that the observation made in this judgment is for the limited purpose of deciding the bail application and shall not be construed as an expression of opinion on the merits of the case. The

learned Trial Court shall deal with the matter independently in accordance with law without being influenced by any observation which may have been made in this judgment.

25. CRM (M) 427 of 2025 is allowed.

26. All parties shall act on the server copy of this judgment duly downloaded from the official website of this Court.

27. Urgent certified website copies of this judgment, if applied for, be supplied to the parties expeditiously on compliance with the usual formalities.

(Suvra Ghosh, J)