

**In the Matter of : an Application for Bail Under Section 439 of the Code of Criminal Procedure Filed on 3rd April, 2012 in Connection with Kalyani Police Station Case No.35 of 2008 Dated 19.2.2008 Under Section 420 of the I.P.C. (G.R.Case No.175 of 2008) Vs. in the Matter of : Bhaskar Mukherjee**

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**Court : Kolkata**

**Decided On : May-03-2012**

**Judge : Kanchan Chakraborty**

**Appeal No. : C.R.M. 5809 of 2012**

**Appellant :** In the Matter of : an Application for Bail Under Section 439 of the Code of Criminal Procedure Filed on 3rd April, 2012 in Connection with Kalyani Police Station Case No.35 of 2008 Dated 19.2.2008 Under Section 420 of the I.P.C. (G.R.Case No.175 of 2008)

**Respondent :** In the Matter of : Bhaskar Mukherjee

**Judgement :**

Today is fixed for order in respect of bail application under Section 439 of the Cr. P. C. taken out by Bhaskar Mukherjee, who has been arrested on 16.3.2012 in connection with Kalyani Police Station case No.35 of 2008 dated 19.2.2008 under Section 420 of the I.P.C..

Heard Mr. Mondal, learned Counsel appearing on behalf of the petitioner. Heard Mr. Panda, learned Counsel appearing on behalf of the State of West Bengal/opposite party who vehemently opposes the prayer for bail.

Perused the order passed by this Court in C.R.R.1114 of 2011 dated 2.2.2012. Some unfortunate and unprecedented ways were adopted by the learned A.C.J.M., Kalyani in the matter of accepting show cause filed by the Officer-in-charge, Kalyani Police Station. This Court directed the Superintendent of Police, Nadia to get the investigation into the case done by competent Inspector of Police and conclude the investigation within a shortest possible of time. After receiving this direction, Abu Selim, Inspector of Police, DIB, Nadia was given charge of the investigation into the case.

Perused the report. Perused the page No.217 of the C.D. which is a copy of the application of Mr. Abu Selim, Inspector of Police, D.I.B., Nadia addressing to the learned A.C.J.M., Kalyani in connection with this case for adding Sections 468 and 474 of the I.P.C. with Section 420 of the I.P.C. It appears from that particular document that this petitioner not only forged letter on his personal pad but also managed to deposit a sum of Rs.3,65,000/- in Bank sundry deposit account on 1.3.2008 and obtained a deposit certificate from Bank, although no order from High Court was passed in connection with this case directing the petitioner to deposit Rs.3,65,000/- to the Bank. He also used the above cheque and deposit certificate in course of hearing of the application under Section 438 of the Cr. P. C. which was ultimately rejected. It reveals also that the accused procured false measurement report and acquired 25% extra amount for super built area.

Perused the documents filed by Mr. Mondal. There is suspicion as to the genuinity of these documents and that has been very much revealed in the prayer of the I.O. for adding Section 468 and 474 of the I.P.C. Even the petitioner has not obeyed the order passed by the State Consumer Disputes Redressal Commission. He was directed to pay a fine of Rs.4,05,000/- to the complainant not in sundry account of the State Bank of India in his name. There are certain conditions imposed by the forum which had not yet been fulfilled also.

Altogether, the conduct of this petitioner appears to be blameworthy. He is not approaching this Court with clean hands. It will be much difficult of the Investigating Officer to carry on investigation properly, if this petitioner is enlarged on bail at this stage. If he is released on bail, that would have adverse impact on the entire prosecution case. The possibility of tampering the witnesses cannot also be ruled out. Therefore, this Court declines to allow the prayer for bail.

Accordingly, the prayer for bail is rejected.

The application for bail being C.R.M.5809 of 2012 is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates of the parties upon compliance of necessary formalities.

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