

05.09.2023.
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Ct.No.28
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C.R.M. 7648 of 2016
With
CRAN 6 of 2023

In Re:- An application for relaxation of condition of bail under section 439(1)(b) Cr.P.C.

In the matter of : Kunal Kumar Ghosh @ Kunal Ghosh.
... Petitioner.

Mr. Sabir Ahmed,
Mr. Ayan Chakraborty,
Ms. S. Mukherjee.

...for the Petitioner.

Mr. Arun Kr. Mohanty,
Mr. Amajit De,
Mr. Bibekananda Sinha Ray,

...for the CBI.

1. Petitioner is a journalist. He is facing trial in Ponzi cases. He had earlier made an application to go abroad to participate in a technical and vocational education programme in Singapore. He was permitted to do so. Thereafter he returned. Presently, he has taken out the application praying for return of his passport to enable him to visit his son who is pursuing Ph.D. course at Chicago University. During the pendency of the application, petitioner filed a supplementary affidavit praying to go to Madrid and Barcelona as a delegatee on behalf of the State of West Bengal.

2. Response is filed on behalf of CBI. It is stated that the petitioner has taken inconsistent stances to go abroad and prayer may be declined.

3. We have considered the materials on record. Petitioner is on bail since 2017. There is no allegation of misuse of liberty. He has not yet been convicted. Right to go abroad is a fundamental right and ought not be restricted unless interest of justice demands such a course. Nothing is placed on record to show the course of trial would be hampered if the petitioner is permitted to go abroad.

4. On the other hand, petitioner had been permitted to go to Singapore to pursue a vocational course. He went abroad and returned to the country. Presently he has been selected as a delegatee of Bengal Global Business Summit (BGBS), 2023 to accompany the Chief Minister to Madrid and Barcelona in Spain to invite investments. Though we refrain from commenting on the wisdom of the State machinery to select an undertrial to represent itself in a foreign country to invite investments, the right of the petitioner to go abroad is unexceptionable. In fact, he had been permitted to go to Singapore and did not misuse the privilege granted to him.

5. Under such circumstances, we permit the petitioner to go abroad as a member of delegation to Madrid and Barcelona, Spain in connection with BGBS, 2023 from 12th September till 23rd September, 2023. Petitioner shall be permitted to do so on condition his wife Smt. Sarmita Ghosh furnishes a bond of Rs.5,00,000/- and the petitioner deposits a sum of like amount in cash or by way of fixed deposit maintained with any nationalized bank to the satisfaction of the trial court. Upon furnishing the aforesaid amount/ bond, petitioner's passport shall be handed over to him to enable him

to go abroad. Immediately upon his return he shall submit the passport before the trial court not later than 25th September, 2023.

6. Matter will appear on 28th September, 2023.

7. Report be filed on that date.

8. Photostat plain copy of this order duly countersigned by the Assistant Registrar (Court) be given to the parties on usual undertaking.

9. CRAN 6 of 2023 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)