

23.02.2026
Court No.35.
D/L. 255
(PA)
(Rejected)

CRM (M) 1228 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 : Sandip Ghosh.

.....Petitioner.

Mr. Ayan Bhattacharyya, Sr. Adv,
Mr. Md. Zohaib Rauf
Mr. Abdul Zahid
Mr. Snehasish Dey
Mr. Arpit Choudhury
Mr. Shaunak Mondal
Mr. Younus Sultan

.....for the Petitioner.

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

.....for the CBI.

Mr. Bhattacharyya, Learned Senior Advocate appearing on behalf of the petitioner, while advancing his submissions, categorized the defences available in respect of the charges brought against the petitioner which are as follows:

“a) No charges have been framed against the petitioner or any other accused under Section 467 of the IPC. Charges under Section 471 are bailable, and those under Section 468 carry a maximum of 7 years.

b) The trial progress has been reset for a de novo trial following the addition of new accused persons. As of now, the stage of appearance for these new accused has not even been exhausted.

c) *The prolonged pre-trial detention of 16 months severely infringe upon the petitioner's right to liberty under Article 21 of the Constitution and this entitles the Petitioner to be enlarged on bail.*

d) *The law laid down by this Hon'ble High Court 102 years back in Nagendra v. King Emperor AIR 1924 Cal 479 that bail is the rule and jail is the exception and that pre-trial custody should only serve to secure the presence of the accused, not act as a punishment, is squarely applicable in the instant matter as the investigation in the matter is complete with the Petitioner cooperating with the CBI in all aspects and the de novo trial is yet to commence.*

e) *There is no allegation in the charge-sheet that the materials supplied were of inferior quality, nor were there any complaints from any quarter regarding the quality of products. Even the allegations of overpricing of certain articles are just bald statements with no supporting material in the Charge Sheet.*

f) *There are no allegations of non-supply of materials, rendering the claim of loss to the government exchequer specious. Furthermore, the case has no connection to the "sufferance of any poor individual".*

g) *The charge of forgery is based on the statement of the forger who was excluded from the list of accused. Additionally, the Forensic Science Laboratory (FSL) report was inconclusive regarding the act of forgery.*

h) *M/s Eshan Cafe was awarded the contract of running a café upon being the H1 Bidder. However, upon receiving complaints regarding the quality of food, its contract was terminated by the Petitioner himself long before any investigation, thereby negating any allegation of favoritism.*

i) As regards the selection of House Staff are concerned, the Petitioner was not even a part of the Selection Committee comprising senior professors, mostly Heads of the Respective Departments of the College and had no role to play in the entire process.

j) The Investigation Officer relied on confessions of accused persons, which is argued to be hit by the provisions of the Bharatiya Sakshya Adhiniyam, 2023 and is indicative of a compromised investigation.

k) The Witnesses examined during course of trial so far, liberty was given to the CBI to choose which witnesses they wanted to examine first and they had done so without alleging that any witness was vulnerable.

l) Co-accused, Akhtar Ali, who is thickly connected with the offence, was never arrested during the investigation or even after being added to a supplementary charge sheet and has been given interim protection by this Hon'ble Court. While another accused person was granted bail upon his appearance before the Learned Trial Court itself. In contrast, the petitioner has remained in custody for 1 year and 4 months for a "tertiary role".

m) No money trail or unaccounted wealth could be traced qua Petitioner despite 16 months of investigation by the CBI".

In order to fortify his arguments, learned Advocate relied upon a series of judgments, which are as follows:

P. Chidambaram v. Directorate of Enforcement reported in (2020) 13 SCC 791; *Manish Sisodia v. Enforcement Directorate*, reported in (2024) 12 SCC 660; *Anwar Dhebar v. Directorate of Enforcement (Criminal Appeal No. 2669 of 2025)*; *Kuntal Ghosh v. Central Bureau of Investigation [SLP (Crl.) No. 13352 of 2024]*; *Kapil Wadhawan v. Central Bureau of Investigation*, reported in

2025 INSC 1440; Satender Kumar Antil v. CBI & Anr. reported in (2022) 10 SCC 51; *Nagendra v. King Emperor* reported in AIR 1924 Cal 476; *Arvind Dham v. Directorate of Enforcement*, reported in (2026) 1 SCR 119.

By referring to the aforesaid judgments, learned Advocate appearing for the petitioner emphasized that the case is based on documents. The evidences relied upon by the prosecutions are voluminous (147 witnesses and more than 600 documents), as such, there is no possibility of the trial concluding in the near future. In course of the evidence being recorded and/or the trial progressing, supplementary charge-sheet has been submitted where some more accused persons have been implicated. Consequently, de-novo trial would again take place thereby, stretching the time period of detention of the present petitioner who is in custody since 02.09.2024. The petitioner is no more in service as such, there is hardly any scope for tampering the witnesses and as such, the petitioner's detention at this stage would operate as a pre-trial conviction.

Learned DSGI appearing for the CBI has referred to the accusations against the petitioner and drawn the attention of the Court to the relevant part of the charge-sheet which reads as follows:

“Sandip Ghosh while working and functioning as Principal, R.G. Kar Medical College & Hospital and being Administrative Head of RGKMCH was duty bound to ensure transparent and efficient procurement processes for goods, services and works by adhering to delegation of financial

power rules 1970, Govt. notification regarding mode and manner of procurement, overseeing the management of college assets, infrastructure, for ensuring adherence to financial regulations, rules, for submitting financial reports to his superior offices, overseeing management of funds etc. Despite his official obligations, he, in violation of laid down norms and rules, by abusing his official position dishonestly and fraudulently caused undue benefit to different firms which were part of cartel controlled by co-accused Biplab Singha, Suman Hazra, Afsar Ali Khan and issued multiple work/supply orders towards execution of work/supply of materials by splitting the purchase proposal, by procuring material at exorbitant price etc. in lieu of undue advantage/pecuniary gain for himself and others by way of awarding contracts to the tune of Rs. 6.89 Crores approximately.

In order to rein in a culture of threat and bribe, Dr. Sandip Ghosh groomed and mentored Dr. Ashish Kumar Pandey, a house staff who used to act like a local dada inside the college campus and garnered support of students for Dr. Sandip Ghosh. The students who refused to support the group of Sandip Ghosh and Ashish Pandey were threatened with failure in exams and were put to threat by different means. Dr. Ashish got so close to Dr. Sandip Ghosh that he caused selection of approximately 24 candidates of his choice as house staff during the year 2024. In order to accommodate the undeserving candidates, as suggested by Dr. Ashish Kumar Pandey, Sandip Ghosh manipulated the merit score of candidates for the year 2024. Investigation revealed that Dr. Ashish Kumar Pandey received cut money/bribe for securing selection of atleast two candidates on monthly basis @ Rs. 8000 and 7500 per month on recurring basis for three months which was to be continued but due to the unfortunate incident of death of the PG student at RGKMCH, it stopped.

The aforesaid acts of the accused constitute offences punishable under sections 120B, 409, 420, 468, 471 of the Indian Penal Code 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, 409 of IPC and Section 7, 13(2) r/w 13(1)(a) of PC Act, 1988 (as Amended in 2018).”

Emphasis was made by the learned DSGI that the petitioner while being the Principal of the Medical College flouted rules while awarding works/contract; illegally awarded work to specific vendors; awarded work to concern who did not have valid trade licenses; splitted the tenders for convenience of his known participants; awarded work to M/s Maa Tara Traders who did not participate in the bidding; purchased items at exorbitant pricing; leased Hospital space for cafeteria without approval from the Department of Health and Family Welfare, Government of West Bengal; manipulated the merit list to accommodate candidates of his choice in selection of house staff.

It was additionally submitted that there are not only oral evidences in support of such contention but documentary evidences available and the series of incidents leading to corruption was suppressed and the same was revealed pursuant to directions passed by the Hon’ble High Court in WPA No. 21396 of 2024. The said order was challenged before the Hon’ble Supreme Court also, however, the same did not succeed. Investigation as such in respect of present case being RC0102024A0007/2024 was vested to the CBI and after a

detailed investigation, in spite of receiving resistance and non-cooperation, the Investigating Agency collected materials and thereafter, submitted the charge-sheet. There are vulnerable witnesses who are to be examined in the present case and as such the petitioner's custodial detention is warranted till the said witnesses are examined. It has also been contended that the petitioner was an influential person, who in course of his tenure as Principal of the Medical College encouraged activities which resulted in huge corruption and he is powerful enough to spoil the merit of the case during the progress of evidence and/or deposition of the witnesses.

I have taken into account the stage of the case, the sensitivity of the issue concerned wherein the charges have been framed for misappropriation of Government funds associated with the health and welfare of the citizens. Further, the materials collected by the Investigating Agency may take some time for being admitted into evidence. The nature of the offence complained is of such nature that the chain of circumstances call for meticulous collection of documents relating to the individuals and thereafter, converting them to an admissible evidence before a Court of law.

Considering the complexity involved both in the investigation and prosecution of such offence and the petitioner being in the helm of affairs during the check period for which investigation was carried out, I am of the view that at this stage, release of the petitioner may be prejudicial to the trial.

Accordingly, the prayer for bail of the petitioner in **CRM (M) 1228 of 2025** is **rejected**.

Pending applications if any are consequently disposed of.

All parties shall act in terms of server copy of the order 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.)