

25.09.2023

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CRA 507 of 2018  
with  
CRAN 3 of 2020  
with  
CRAN 4 of 2023

In Re : Lalu Sk. .... appellant

Mr. Dipankar Dandapath  
Md. Jannat-ul-Firdous  
..... for the applicant (in CRAN 4/2023)

Mr. Saswata Gopal Mukherji, learned PP  
Mr. Rudradipta Nandy, learned APP  
Mr. Subroto Roy  
..... for the State

1. We have perused the photocopy of the supplementary record which is placed before us.

2. We have also perused the report filed on behalf of the State.

3. Copy of the supplementary record shows an order dated 02.03.2021 purportedly passed by a Bench presided over by the then Hon'ble the Chief Justice (as His Lordship then was) granting bail to the appellant had been placed before the trial court. On the strength of the said order the appellant was enlarged on bail. Perusal of the records of the appeal shows no such order was passed and the application for bail being CRAN 3 of 2020 is still pending before this Court.

4. Name of one Arnab Chatterjee is endorsed in the order as a senior advocate who represented the appellant.

5. Mr. Arnab Chatterjee, who ordinarily appears before this Court, is present before us and states he did not appear in the matter. He further submits this matter was not even in the list of the said Bench on that day.

6. We are also informed that the advocate-on-record Sk. Jalaluddin is unwell and does not ordinarily appear in Court.

7. These materials prima facie give rise to a reasonable belief that the document placed before the trial court purporting to be a bail order is a forgery. In spite of notice issued upon the appellant and his sureties directing the former to be present personally or through his lawyer before the Court, the said appellant is absent. He appears to have committed a blatant forgery of a judicial order and has relied on such forged order to procure bail. Fraud goes to the root of the order and we hold the bail order dated 02.03.2021 which appears to be a forgery is '*void ab initio*' and '*non-est*' in law.

8. Bail granted to the appellant pursuant to the forged order is accordingly cancelled.

9. Trial court is directed to forthwith issue appropriate processes for his apprehension in accordance with law.

10. Facts which have come to light disclose brazen acts of fraud and forgery to subvert the judicial process. They require thorough investigation by a specialized agency to identify the culprits and unravel the ramifications of the crime.

11. Accordingly, I direct the Registrar General to lodge complaint with the Director General of Police, West Bengal who shall register FIR and forthwith commence investigation by a team of competent police officers. Investigation shall be done under the supervision of Additional Director General of Police (CID) and the team shall comprise of officers not less than the rank of Special Superintendent of Police/ Assistant Commissioner of Police. The investigating team shall be at liberty to seize the forged order and other documents from the court records. Photocopy of the seized order/documents countersigned by the registry of the Court shall be kept in the Court records. The team shall also be at liberty to interrogate and/or arrest any advocate or employee connected with the Court against whom reasonable suspicion with regard to commission of offence arises and custodial interrogation is necessary to unravel contours of the crime.

12. Investigating team is also at liberty to apprehend the appellant and subject him to custodial interrogation for the purpose of investigation.

13. Registrar General as well as the ADG (CID) shall submit reports with regard to registration of FIR and progress of investigation on the adjourned date.

14. Let the matter appear two weeks hence (09.10.2023).

**(Gaurang Kanth, J.)**

**(Joymalya Bagchi, J.)**