

Criminal Misc. Case No. 213 of 2023
CNR – WBCS01-000755-2023
Present: Shri Soumendra Nath Das
JO Code No: – WB01132.
Chief Judge, City Sessions Court, Calcutta.

Order No. 03 dated 11.08.2023

Today is fixed for further hearing of the petition u/s 438 of the Cr.P.C filed by the accused/petitioners namely, **1) Atul Bokriya, 2) Mahendra Bokriya, 3) Avinash Chordia, 4) Arvinder Pal Singh and 5) Raman Anand** apprehending their arrest in connection with **Hare Street P.S. case No. 241** dated **23.08.2022** u/s **406/409/417/418/420/467/468/471/188** of the I.P.C read with Sections **3 & 4 of the WBGPC** read with Section **7(3)/9** of the Lotteries (Regulation) Act,

The record is taken up for hearing.

Ld. P.P and Ld. Advocate for the accused/petitioners are also present.

Ld. Advocate for the defacto complainant is present by filing fresh Vakalatnama. Let it be kept with the record.

I.O is also present alongwith C.D.

Ld. Advocate for the accused/petitioners submits that these accused/petitioners are the businessmen and the allegations against these accused/petitioners are totally false and they are in no way connected with the alleged offence and these accused/petitioners have been falsely implicated in this case.

Ld. Advocate for the accused/petitioners further submits that the petitioner no.1 namely Atul Bokaria is a travel agent and a dedicated social worker associated with Jain Samaj. He has served in various capacity for the betterment of the society and he was made member of All India Federation of Lottery Trade & Allied Industries in the year 2000.

Ld. Advocate for the accused/petitioners further submits that these accused/petitioners are totally innocent and this case is a magistrate triable case and these accused/petitioners have been made a scape goat in this case and custodial interrogation of these petitioners are not required and he prays for bail of the accused/petitioners on any stringent terms and conditions.

Ld. Advocate for the accused/petitioners further submits that the allegations are all against S. Martin and Co. and these petitioners are all innocent.

It is also submitted by the Ld. Advocate for the accused/petitioners that no bail petition is pending or disposed of before any upper forum.

In support of his contention Ld. Advocate for the accused/petitioners placed some documents.

Ld. P.P vehemently objected to the bail prayer of these accused/petitioners and submits that allegations against these accused/petitioners are very serious in nature and it is a big racket spreading all over the country and the petitioners have cheated the common people and siphoned off crores of rupees by forging the lottery tickets and the investigation is at the initial stage and custodial interrogation of the accused/petitioners are very much required and there is a deep rooted conspiracy between the accused persons and he prays for rejection of bail prayer of the accused/petitioners.

In support of his contention Ld. P.P cited some decisions of the Hon'ble High Court in C.R.M (A) 1683 of 2022 in the case of (Md. Rased Ali @ Mohammad Rashed Ali Vs the State of West Bengal) decided on 12.04.2022, in C.R.M (A) 739 of 2022 in the case of (Abhijit Mondal @ Abu Mondal & Ors Vs the State of West Bengal) decided on 22.02.2023 and in C.R.M 1192 of 2017 in the case of (Khurshed Mondal Vs the State of West Bengal) decided on 12.04.2022 and he prays for rejection of bail prayer.

Ld. Advocate for the defacto complainant concedes to the submission of Ld. P.P and submits that allegations against these accused/petitioners are very serious in nature and he prays for rejection of bail.

Heard both sides.

Perused the materials on record and C.D including other relevant documents available on record.

Considering the nature and gravity of the offence alleged and also considering the materials in the C.D indicating the involvement of these accused/petitioners in the alleged offence, I am of the view that this is not a fit case to grant bail to this accused/petitioners. Moreover, I am of the view that if these accused/petitioners are granted bail there is every chance that they will abscond and tamper with the evidences.

Accordingly, the prayer for bail u/s 438 of the Cr.P.C filed in respect of these accused/petitioners **1) Atul Bokriya, 2) Mahendra Bokriya, 3) Avinash Chordia, 4) Arvinder Pal Singh and 5) Raman Anand** are **rejected**.

The instant criminal misc. case is thus, disposed of.

LCR and C.D be returned.

Let a copy of this order be sent to the Ld. Court below for information.

Let a copy of the order be also sent to the I.O through Ld. P.P for information.

D/C. by me.

Chief Judge
City Sessions Court, Calcutta.

Chief Judge
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