

In the Court of Addl. Sess. Judge, at Katwa, Purba Bardhaman.

Present : Sri S.Sutradhar, Addl.Sess.Judge,1st Court at Katwa, Purba Bardhaman.

Cr Misc Case No.525/2021 (CIS 525/21)

Totan Ghosh -vs- State of West Bengal

Ord No.2 dt.16.12.21

This is an application u/s 439 of Cr.PC filed on behalf of petitioner/accd namely Totan Ghosh praying for bail in connection with Katwa GRPS case No.21/21 dt.14.11.21 for the offence punishable u/s 489C/34/120B IPC with adding Sec.489B corresponding to GR case No.1148/21.

Ld. PP in charge Mr. Sk.Asraf Ali and Ld. Defence lawyer Mr.Kaushik Ghosh are present. Received CD & LCR.

Ld. Defence lawyer moved the bail petition. Perused the bail petition. Considered.

It is stated in the petition that the ptnr is in custody since 14.11.21. Ptnr is innocent and has been falsely implicated in this case. It is stated that ptnr is having permanent residence and so there is no chance of his absconding or tampering evidence. It is also stated that no application u/s 438 Cr.PC or 439 Cr.PC has been filed or pending before Higher Court.

At the time of hearing Ld. Defence lawyer repeated the facts mentioned in the bail petition.

On the other hand Ld. PP-in-charge raised objection and in support of his submission referred statement of the witnesses recorded u/s 161 Cr.PC and S/Ls

I have gone through the FIR,statement of the witnesses recorded u/s 161 Cr.PC and S/Ls. On perusal of the FIR I find that defacto complainant received source information on 14.11.21 at 9.35 hours and then he left PS after observing all formalities at 9.45 hours to work out the source information. As per FIR he brought suspected persons at PS at 12.05 hours to verify their statements. It also appeared from FIR that he searched suspected persons at PS and seized some fake Indian currency notes and entire process of seizure was done in between 20.05 hours to 20.35 hours and then arrested both the accd persons at 20.40 hours. It is not understood why soon after detention suspected were not searched. It is also not understood why police preferred to bring the suspected persons at PS and starts searching and it is also not understood why seizure was done after a long gap of apprehension in between 20.05 hours to 20.35 hours. This conduct on the part of the police creates doubt in my mind that there may be some manipulation with regard to seizure.

Considering the entire facts and circumstances I am of opinion to allow the bail ptn.

Thus the ptnr named above Totan Ghosh may find bail of Rs.10,000/-with one Advocate surety of like amount subject to the satisfaction of Ld. ACJM,Katwa I.d. to J/C.

Thus instant Criminal Misc case is disposed of. LCR & CD be returned.

Let a copy of this order be sent to the Ld. ACJM, Katwa for information.

D/C by me

Sd/-S.S

Addl.SJ

Sd/-S.Sutradhar

Addl.SJ,1st Court,Katwa