

S.C. No. 64 of 2019

Order No: 29

Date : 07.01.2021

Today is fixed for framing of charge as well as hearing the bail petition filed on behalf of accused Ashish Chanda dated 04.01.2021.

Another application under section 227 Cr.P.C. is filed on behalf of the accused Ashish Chanda after serving copy to the prosecution. Let the petition be kept with the record.

Fresh Vokatnama is filed on behalf of accused Persons 1. Mithun Nath @ Hore and 2. Gobinda Majumdar along with an application praying for bail.

Ld. P.P. in charge is present and Ld. Defence Lawyer on behalf of all the accused are present. All the seven accused are produced from J.C.

The bail application for accused Ashish Chanda is taken up for hearing.

Ld. Defence Counsel submits that this accused person is in custody for more than 520 days, his wife is lying in a bed ridden condition and there is no one to look after her save and except the minor daughter. But recently his wife has been shifted to hospital, so the life of the minor daughter is at stake. Her education is being hampered and there is also a threat to her safety and security. The accused is completely innocent. He has been detained in custody unnecessarily and his constitutional right under Article 21 is being violated. So the accused may be enlarged on bail on humanitarian ground.

Per contra Ld. P.P. in charge strongly opposed the prayer for bail of this accused and submitted that prayer of bail of this accused person and co-accused as well was rejected by the Hon'ble Court. Ld. P.P. in charge further added that the accused person is a police personnel, so it was his duty to protect the interest of the public but this accused abused his power. So, if the accused person is enlarged on bail, wrong message will be sent to the society. There was no delay on the part of the prosecution. Prosecution was all along ready but amidst of COVID-19 pandemic, the trial could not be proceeded.

Having heard Ld. Defence Counsel and Ld. P.P. in charge, I peruse the case record and case docket very carefully and considered the same.

It appears from the case diary that prayer for bail of the accused, Ashish Chanda was rejected by the Hon'ble Court on 12.08.2020 in CRM No. 5498 of 2020.

Considering the incriminating materials against the accused person in the case docket and the gravity of the offence and the order of the Hon'ble Court as discussed above, I am of the considered view that granting bail to this accused person would not only contrary to the settled principles of judicial discipline and propriety but also contrary to the statutory provisions. Accordingly, I am inclined to reject the prayer of bail.

D/C. By me.

Addl. Dist. & Sessions Judge,

**Addl. Dist. & Sessions Judge,
Fast Track Court No. II ,
Bihar Bhavan, Calcutta.**

Later :

The bail prayer of the accused 1. Mithun Nath @ Hore and 2. Gobinda Majumdar in a single petition is taken up for hearing.

Ld. Defence Counsel submits that both the accused persons are in custody for a considerable period of time. Although maximum quantity of ornaments was recovered from the possession of the accused Gobinda Majumdar and he was identified in Test Identification Parade but he is in custody for a period of 543 days. Negligible amount of gold was recovered from the possession of accused Mithun Nath @ Hore, he was not even identified by the defacto complainant in Test Identification Parade and he is in custody for a period of 530 days. So, considering the period of detention, the accused may be enlarged on bail.

Per contra Ld. P.P. in charge strongly opposed the prayer for bail of this accused and submitted that prayer of bail of this accused person and co-accused as well was rejected by the Hon'ble Court. Ld. P.P. in charge further added that the accused persons committed the offence in connivance with police personnel. So, if the accused persons are enlarged on bail, wrong message will be sent to the society. There was no delay on the part of the prosecution. Prosecution was all along ready but amidst of COVID-19 pandemic, the trial could not be proceeded .

Having heard Ld. Defence Counsel and Ld. P.P. in charge, I peruse the case record and case docket very carefully and considered the same.

It appears from the case diary that prayer for bail of the accused, Ashish Chanda was rejected by the Hon'ble Court on 12.08.2020 in CRM No. 5498 of 2020.

Considering the incriminating materials against the accused person in the case docket and the gravity of the offence and the order of the Hon'ble Court as discussed above, I am of the considered view that granting bail to this accused person would not only be contrary to the settled principles of judicial discipline and propriety but also contrary to the statutory provisions. Accordingly, I am inclined to reject the prayer of bail.

Fix 20.01.2021 for hearing of the application under section 227 Cr.P.C. filed by accused, Ashish Chanda. .

D/C. By me.

Addl. Dist. & Sessions Judge,

**Addl. Dist. & Sessions Judge,
Fast Track Court No. II ,
Bichar Bhavan, Calcutta.**