

Spl. Case No. 01 of 2018

State

- Vs. -

Amitava Chanda and Anr.

Order No. 09

Date : 19.02.2018 -

Today is fixed for production of the accused Amitava Chanda and Bikash Chandra Sarkar who are in J/C.

Both the accused persons are produced from J/C.

Bail petitions are filed by the Ld. Advocates of both the accuseds separately.

Ld. P.P. is present.

The bail petitions are heard from both sides.

Ld. advocate for accused Amitava Chanda stated that this case was initiated U/s. 7 of P.C. Act relating to a trap of other accused Bikash Chandra Sarkar. This accused was not caught in trap process. Only on the basis of disclosure of his name by other accused he was arrested and thereafter on raid at his residence the investigating agency seized about Rs. 8,00,000/- as shown in the seizure list. He is in custody for 31 days. No further recovery is made from which court can assert that for a contentious period of time he was involved in alleged offence. Thus, the period of detention of this accused may be considered and he may be enlarged on bail.

Ld. advocate for other accused Bikash Chandra Sarkar submits that this accused is ex Govt. employee and on that date due to one personal reason, he was found present at that office. From his custody the only seizure is of Rs. 2000/- which is shown as trap money. That accused is also an aged one and he is also in custody for 31 days whereas the investigating agency during that period never interrogated him to reveal the truth. This conduct of investigating agency pre-supposes that there is no need of further detention for the purpose of investigation and so he also may be allowed on bail at least on interim basis.

Ld. P.P. raises strong objection against those petitions and states that the complaint case is very much clear from which it is revealed that the person in authority allowed in his office the other accused (retired group D staff) to get that bribe in indirect way and so at this initial stage of investigation there is no ground to enlarge them on bail and if they would be allowed on bail, it will cause serious prejudice to the further investigation.

The submissions of all sides are considered. CD is perused.

It is found that both the accuseds are in custody for 31 days and for last days of judicial custody no incriminating materials have been revealed from their statement or no such further seizure is made. So in my opinion, considering the gravity of offence at this stage of investigation they may be enlarged on interim bail of Rs. 10,000/- each in two registered sureties of Rs. 5000/- each or like amount, with a condition to meet the I.O. twice a week till further order and to cooperate the IO in further investigation, subject to the satisfaction of Ld. C.M.M., Calcutta, i.d. to J/C.

Fix **05.03.2018** for appearance if on bail and I.O's. Report.

Let a copy of this order be sent to the Ld. C.M.M., Calcutta and the I.O. of this case for necessary compliance.

C.D. to be returned back.

Todate.

Accused as before.

D/C by me :

Addl. Dist. & Sessions Judge,
Bench – II

Copy forwarded to 1) The Ld. C.M.M., Calcutta

2) I.O. of this case

for information and necessary action.