

Spl ACB Case No.02 of 2023
Filing No.0157 of 2023
CNR No.- WBCS01-000157-2023

Order No.18
Dated 27.11.2024

Accused Tapan Kumar Ghosh has been brought under arrest today in connection with this case u/s 7(c) r/w explanation 2 (i)/13(1)(a) of PC Act, 1988 (as amended in 2018) and u/s 409/120B of IPC.

The I.O. has filed a petition praying for an order remanding the accused for seven days of police custody for thorough interrogation. The I.O. has also filed the arrest cum inspection memo and medical examination report of the accused. Seen. Let the same be kept with the record.

The accused is taken into custody.

Ld. Chief P.P. Shri Dipankar Kundu is present.

Ld. Advocate for the accused is also present by filing fresh vokalatnama.

A bail petition is filed on behalf of the accused.

The I.O. is present along with CD.

Heard Ld. Advocates for both the sides on the prayer for police remand as well as the bail prayer.

Perused the CD and other materials on record.

Considered.

It is submitted by the Ld. P.P. that the accused being the Inspector of Minimum Wages, Labour Commissionerate, Government of West Bengal, while posted at Habibpur Block of Malda District made fraudulent payment of Rs.15.6 lakhs under the schemes of Samajik Suraksha Yojna, 2017 with connivance of other Government officials to persons other than genuine beneficiaries for the benefit of himself by misusing Government Fund. It is further submitted by the Ld. P.P. that the accused could not give any satisfactory explanation about the misappropriated money and the other persons involved in the racket for which a thorough a custodial interrogation is necessary.

The Ld. Advocate for the accused stated that the accused has a fixed place of residence, stable employment and there is no possibility of absconding or tampering with evidence. It is further pointed out that the accused received notice u/s 41A of Cr.P.C. in connection with this case and voluntarily appeared before the Investigating Authority. That since he has shown complete willingness to cooperate with the investigation, his arrest was unnecessary and accordingly, he prays for an order releasing the accused on bail on any condition.

On perusal of the CD, I find sufficient incriminating materials against the accused, prima facie suggesting his involvement in the case. The investigation is in its initial stage. Considering the nature and gravity of the offence and its social impact, I am not inclined to allow the bail prayer at this stage. On the other hand, I find his custodial interrogation is necessary at this stage.

Considering all these aspects, I intend to allow the prayer for police custody of the accused for 7 days for the purpose of effective investigation. Consequently, the bail petition stands rejected.

To **04.12.2024** for production of the accused Tapan Kumar Ghosh from PC.

The I.O. is hereby directed to follow the guidelines of the Hon'ble Apex Court during the PC period strictly and is also to ensure that the human rights of the accused are not violated during the detention period. The I.O. is directed to ensure regular medical check up of the accused by a registered medical practitioner at a Government Hospital and to produce the accused in the same health condition on the next date positively.

Let a copy of this order be sent to the I.O. for information and compliance.

C.D. be returned.

Dictated & corrected by me.

Judge, Bench – II,
City Sessions Court,
Calcutta.
J.O. Code No. WB00868

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