

Sessions Case No.12 OF 2020

Order no. 12 dated 21.09.2020.

Today is fixed for hearing of the bail petition filed on 14.09.2020 by the ld. Advocate on behalf of the accused person namely **09) Abdur Rajjak** and further order.

Ld. Advocate on behalf of the accused person namely **09) Abdur Rajjak** is present.

Ld. Special P.P is present.

I.O. of this case is found present.

C.D. is produced.

One put up petition along with another petition and one Vakalatnama has been filed by the ld. Advocate on behalf of the accused person namely **08) Abdul Majed** stating that ld. Advocate on behalf of the accused person above named intends to file Vakalatnama on behalf of the accused person namely **08) Abdul Majed** and prays for passing order admitting the Vakalatnama on the ground stated therein.

Copy has been supplied to the prosecution.

Perused the same.

Let it be kept with the record.

The bail petition dated 14.09.2020 filed by the ld. Advocate on behalf of the accused person namely **09) Abdur Rajjak** is taken up for hearing.

Ld. Advocate for the accused as well as Ld. Special PP both are present.

Ld. Counsel on behalf of accused/petitioner submitted before me *inter alia* that this accused person is languishing in custody for about two and half years and due to pandemic Covid-19 situation there is no immediate chance of progress of trial.

He further assailed that this accused petitioner is a poor cultivator and his family members were depending upon him and save and except him none is there to look after his family members. Anyway, Ld. Counsel prays that this accused petitioner may be released on bail by imposing any terms and conditions as the Court may deem it fit and proper.

Ld. Special PP raises vehement objection by submitting that there are sufficient incriminating materials in the case diary which reflects about *prima facie* involvement of the accused/petitioner with the alleged offence.

As per submission of the Ld. Special PP that the offence involved in this case is serious in nature. If at this stage the accused petitioner is enlarged on bail then there is every chance of hampering of trial. So, he prays that the petition filed by the accused/petitioner praying for bail may be rejected outright.

Heard both sides. Perused the CD and the materials on record.

After cautious scrutiny of the materials on record, I find that there are materials which indicates that this accused petitioner is one of the masterminds of the offence alleged. No doubt, those materials have to survive the strict legal scrutiny. Moreover, I find that the offence involved in this case is serious in nature.

This Court, therefore, refrains from making any further comment, but only on the face of such materials, enlarging the accused petitioner on bail may turn highly prejudicial for trial.

It has been observed by the Hon'ble Court in Utpal Debbarman Vs. State of Tripura reported in 2012 Criminal Law Journal (NOC) 17 (Gawahati) inter alia that-

"Section 439 -Bail – Entitlement to – Allegation of waging, attempting, abetting war, etc. for achieving secessionist object to promoting enmity between different groups on grounds – Materials strongly indicating accused as one of the masterminds behind pursuing well-knit war strategy against State - Accused was in charge of purchasing arms and ammunitions for banned outfit called 'NLFT' –

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Accused coordinating among various insurgent outfits of North-East India having similar aims and object of waging war against State – Accused not entitle to bail”.

In view of observation of the Hon’ble Court referred above and after considering the materials and also after considering the seriousness of the offence I am not inclined to enlarge the accused person on bail.

So the bail petition filed by the accused petitioner is liable to be **rejected**.

In view of this, prayer for bail stands rejected at this stage.

Accused be remanded to J/C

To date.

D/C by me.

Chief Judge
City Sessions Court, Calcutta

Chief Judge
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