

**S.T. No. 02 (07) of 2022**  
**Sessions Case No.12 of 2020**

Present: Sri Uttam Kumar Shaw,  
Chief Judge,  
City Sessions Court, Calcutta,  
JO Code No.WB00372.

**Order No.54 dated 25.01.2023**

Today is fixed for hearing of the bail applications filed by accused persons No.15, Manirul Islam and No.2, Ahammad Ali @ Kalu.

Ld. Advocates on behalf of the both the accused persons are present.

Ld. Spl P.P is present by filing hazira.

The bail application filed by accused No.15, Manirul Islam is taken up for hearing.

Heard both sides.

Ld. Advocate of the accused No.15, Manirul Islam submits that other nine accused persons who pleaded guilty were awarded sentences of five years nine months each and this is maximum period of sentence awarded. The accused No.15, Manirul Islam may be enlarged on bail as he has already been undergone half of the sentence period of five years nine months and this accused was arrested long back and suffered detention for 3 years 11 months.

He also placed citations of the Hon'ble High Court, Calcutta as a guideline for considering bail prayer.

Ld. Spl P.P on the other hand submitted that the maximum sentence to be awarded on proof is Life Imprisonment or 10 years Imprisonment and the accused persons who availed plea Bargaining Scheme got sympathetic consideration with liberal view and as such they were awarded sentences 5 years 9 months. In such circumstances, there is no question of sympathetic consideration in the matter of grant of bail.

In the citation of **CRM (DB) 4490 of 2022**, the Hon'ble High Court has observed that there is little possibility of trial concluding in the near future and hence, the bail was granted. Central Government after considering the activities of JMB, placed its status as a Terrorist Organization. So, there criminal activities were very much in existence prior to declaring it as terrorist organization.

The charge has already been framed and there is obstruction in judicial proceeding because of filing several applications of bail time to time. On 03.02.2023 the date is fixed for further evidence.

Considering the fact that the statutory punishment is Imprisonment for Life and as the trial is commenced, hence I do not consider it fit to grant bail for accused, No.15 Manirul Islam.

Accordingly, bail application of accused, No.15 Manirul Islam is considered and rejected.

So far as the bail application of No.2, Ahammad Ali @ Kalu is concerned, it appears that there are seizure of incriminating materials and articles from his possession and as such bail prayer for this accused is not entertained and rejected.

At this stage Ld. Advocate for the accused No.2, Ahammad Ali @ Kalu submits that parole may be given to the accused to see his ailing mother, if the Court is not granted interim bail to the accused.

This court has taken consideration of totality of the case, so it would not be appropriate for the accused to go on interim bail or parole in the midst of the trial.

The Medical papers which are filed herein do not suggest regarding medical complication as suggested by Ld. Advocate for the accused No.2, Ahammad Ali @ Kalu, but if mother of the accused is inclined to meet her son, there is direction upon *the Superintendent of Presidency Correctional Home to allow her to meet her son whenever application is filed for such meeting as per jail code.*

Today.

Let a copy of this order be sent to the Superintendent of Presidency Correctional Home for information.

Dictated & corrected by me

Chief Judge,  
City Sessions Court, Calcutta.

Chief Judge,  
City Sessions Court, Calcutta.

**S.T. No. 01 (01) of 2019**  
**Sessions Case No.44 of 2018**  
**Present: Sri Siddhartha Kanjilal,**  
**Chief Judge,**  
**City Sessions Court, Calcutta,**  
**JO Code No.WB01057.**

**Order No.34 dated 31.05.2022**

Today is fixed for evidence of CSW-4.

Accused persons namely **Khokan Chakraborty @ Habla** and **Joydev Malakar** are present by filing hazira.

Separate applications u/s. 317 of Cr.P.C in respect of accused persons namely **Raja Das @ Mach Raja** and **Rabi Pramanik @ Nata** are filed.

Copy served.

Both the petitions filed u/s. 317 of Cr.P.C are taken up for hearing.

Ld. Advocate for the accused persons submits that these accused persons could not appear before this court today due to unavoidable circumstances and prays for condonation of absence of the accused persons and also prays that the evidence be adduced in absence of the accused persons.

No objection raised by the Ld. P.P in-charge.

Both the petitions are heard, considered and allowed with a direction that both the accused persons namely **Raja Das @ Mach Raja** and **Rabi Pramanik @ Nata** be remain present on the next date positively.

No witness turned up today, instead of one application has been filed by the ASI of ARS DD stating that CSW no.4, Pranab Moktan has resigned from the police service and he is now employed as Assistant Teacher HUM Institution, P.O.-Kalimpong, Dist.-Darjeeling and the summon has already been served to the I/C Kalimpong P.S Dist. Darjeeling for appearance of this witness.

No witness has turned up today though summons has duly been served to I/C Kalimpong P.S Dist. Darjeeling in respect of the witness, Pranab Moktan.

At this stage Ld. P.P in-charge submits that due to disruption of train service the witness may not be able to appear before this court today and prays that necessary order may be passed.

Heard Ld. P.P in-charge. Perused the record fromwhere it reveals that today is fixed for evidence of P.W.-4, Pranab Moktan, but CSW-4 did not appear. It has been stated by ASI of ARS DD that CSW no.4, Pranab Moktan has resigned from the police service and joined as teacher in Kalimpong, Darjeeling.

However, I.O is directed to serve notice upon CSW-4, Pranab

Moktan and take positive steps for appearance of the said witness i.e. Pranab Moktan on the next date fixed for evidence i.d. this court would have no other alternative but to issue W.A against the witness, Pranab Moktan.

To **05.07.2022** for evidence of CSW no.4, Pranab Moktan.

Let a copy of this order be sent to I.O of this case through Ld. P.P in-charge for information and necessary compliance.

Let another copy of this order be forwarded to the I/C Kalimpong P.S Dist. Darjeeling for doing the needful.

Dictated & corrected by me

Chief Judge,  
City Sessions Court, Calcutta.  
Calcutta.

Chief Judge,  
City Sessions Court,