

Sessions Case No 15 of 2020

Order No.17 dated 22.01.2021

Today is fixed for hearing bail petition filed by the accused No.2. Mosibur Rahaman @ Faruque, accused No.3 Ruhul Amin @ Saifullah and accused No.5 Monirul Islam @ Doctor.

Ld. P.P.-in-charge and Ld. Advocates, appearing on behalf of the accused persons, are present.

Now the bail petition filed by the accused No.2. Mosibur Rahaman @ Faruque, accused No.3 Ruhul Amin @ Saifullah and accused No.5 Monirul Islam @ Doctor are taken up for hearing.

Ld. Advocate for the accused No.5 Monirul Islam @ Doctor files a petition and prays for time on the ground stated therein.

Heard the Ld. Advocate.

Prayer is considered and allowed.

Fixing 25.01.2021 for hearing of the bail petition in respect of the accused No.5 Monirul Islam @ Doctor.

Now the bail petition filed by the accused No.2. Mosibur Rahaman @ Faruque and accused No.3 Ruhul Amin @ Saifullah are taken up for hearing.

Ld. Advocate, appearing on behalf of the accused No.3 Ruhul Amin @ Saifullah, submitted before this Court at length that the investigation in this case was initiated on the basis of a written complaint, filed by the Assistant Commissioner of Police, Pradip Kumar Das, who has no legal authority to initiate a case of such nature as per dictum of the statute. He further pointed out that the allegation, made in the FIR, is false and concocted and no such incriminating material is present in the charge sheet. He further submitted that the alleged recovery from the house of the present accused/petitioner is not at all connected with the alleged offence and the report of FSL would be proved that the alleged explosive substance is changed in nature, if any. He further pointed out that the second charge sheet, which was submitted u/s U.A.(P) Act, is after completion of 180 days from the date of arrest of the present accused/petitioner. So, in that score, the accused/petitioner is entitled to get bail. He further pointed out that the present accused/petitioner has permanent residence within the territory of India.

Ld. Advocate, appearing on behalf of the accused No.2 Mosibur Rahaman @ Faruque, submitted before this Court that the present accused/petitioner is a teacher by profession and he is in custody for 695 days. He further submitted that considering the long detention, the bail prayer of the present accused/petitioner may be allowed. He also submitted that the charge sheet was submitted against the present accused/petitioner after 180 days from the date of his arrest.

Ld. P.P.-in-charge raised strong objection and submitted that the police has investigated the case and submitted the charge sheet. He further submitted that from the charge sheet it would be revealed that the allegation made against the present accused persons substantially proved prima facie. He submitted that

Contd...

Contd....Order No.17 dated 22.01.2021

the present accused/petitioners are involved in conspiracy against the country India and Bangladesh and they are involved in a terrorist organization of Bangladesh. He submitted that at this juncture, if they are enlarged on bail, the trial would be hampered and they will flee from the clutches of the law. So, the Ld. P.P.-in-charge prayed for rejection of the bail prayer of the accused/petitioners.

Heard the Ld. Advocates of both sides.

Perused the charge sheet and also perused the FIR and the order of sanction, passed by the competent authority.

On perusing the record, it appears to me that on the earlier occasion, the bail prayers of the present accused/petitioners were considered and rejected by this Court on 26.02.2020. However, points raised by the Ld. Advocate of the accused/petitioners, are touching the actual merit of the case, which may be considered at the time of hearing of the discharge application of the accused persons. It appears to me that charge sheet of this case, which is at present a reflection of investigation prima facie proves that the present accused/petitioners were involved with a terrorist organization, however, that can be proved after long trial. But at this juncture, though the present accused/petitioners are permanent residents of India, but considering the submission of the Ld. P.P.-in-charge, bail prayer of the present accused/petitioners, cannot be considered. Accordingly, the payer for bail of the accused No.2. Mosibur Rahaman @ Faruque and accused No.3 Ruhul Amin @ Saifullah, is rejected.

To date.

D/C. by me.

Chief Judge
City Sessions Court, Calcutta.

Chief Judge
City Sessions Court, Calcutta.