

S.T. NO.01(07) OF 2022
SESSIONS CASE NO.15 OF 2020
(CNR - WBCS01-000301-2020)
Present: Sri Uttam Kumar Shaw
Chief Judge, City Sessions Court, Calcutta
J.O. CODE NO.WB00372

Order No 53 dated 15.03.2023

Today is fixed for hearing bail petition dated 06.03.2023 in respect of accused no. (A-5) namely Manirul Islam @ Doctor.

Heard Ld. Advocate for the accused as well as Ld. Public Prosecutor.

Perused the entire Materials on Record.

The bail prayer is made only on two grounds, further ground is that when this accused was arrested, the JMB, Bangladesh was not declared as banned Organization. The accused was arrested on 08.03.2019 and this Organization was banned on 23.05.2019. The close proximity of the date of banning reveals to the fact that prior to such banned of JMB, these accused persons were actively operating in India including West Bengal and there was a larger conspiracy for commission of Terrorist Act and even from the possession of other co-accused persons explosive substances were also recovered.

It is submitted by Ld. Advocate for the accused that same Seizure List was used in two cases and other accused persons were enlarged on bail considering the gravity of the case.

This banned Terrorist Organization entered into a criminal conspiracy from the first part of 2019 with the assistance of these accused persons and even the charge was framed against the accused person along other co-accused u/s 130/120B of the I.P.C besides 4/5 Explosive Substances Act as well as u/s 18/20 of the Unlawful Activities Prevention Act and u/s 465/468 and 14A(b) of the Foreigner's Act.

Ld. Advocate for the accused further submits that other accused persons who pleaded guilty were awarded sentences of five years and six months and this is maximum period of sentence awarded for which this accused may be enlarged on bail as he has already been undergone half of the sentence period of five years and six months and this accused was arrested long back and suffered detention for four years.

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 when the accused persons who availed plea Bargaining Scheme they got sympathetic consideration with liberal view and as such they were awarded sentence for five years and six months. In such circumstances, for this accused there is no question of sympathetic consideration in the matter of grant of bail. Moreso, Corona period intervened in between.

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, their 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.

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. 5 Manirul Islam @ Doctor.

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Contd...order No 53 dated 15.03.2023

Accordingly, the bail application dated 06.03.2023 of accused 5 Manirul Islam @ Doctor is not entertained and rejected.

Todate (27.03.2023).

Dictated & corrected by me

Chief Judge
City Sessions Court, Calcutta

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