

In the Court of Ld. Chief Judge, City Sessions Court, Calcutta
NIA Special Case No. 08 of 2023
CNR-WBCS01-000546-2023
Present: Sri Soumendra Nath Das
Chief Judge, City Sessions Court, Calcutta
J.O. CODE NO.WB01132

Order no. 17 dated 06.04.2024

Accused persons namely **(i) Manobrata Jana** and **(ii) Balai Charan Maity** are produced for the first time before this Court along with medical documents, search and seizure memo, details of articles/documents seized, sample seal, sketch map, search/seizure memorandum, search/seizure list, no damage/no harm certificate, sample/specimen seal, search and seizure memos, personal search cum seizure memos, arrest memos, seizure list and facsimile seal impression. Let those be kept with the record.

Accused persons **(i) Manobrata Jana** and **(ii) Balai Charan Maity** are taken into custody.

Ld. Spl. P.P of NIA is present.

Ld. Advocate for both the accused persons are also present by filing fresh Vakalatnama and also files a bail petition in respect of these two accused persons.

Dy S.P/CIO, NIA, B.O, Kolkata files a petition through Ld. Spl P.P of NIA praying for five (5) days police custody of both the accused persons namely **(i) Manobrata Jana** and **(ii) Balai Charan Maity** for interrogation and for unearthing the larger conspiracy involved in the crime for procuring huge quantity of explosives illegally by the accused persons and their group members, specifically with the sole motive of targeted killing of innocent civilians and such acts are prejudicial to the sovereignty and security of India and three persons have died due to such bomb explosion.

Now the bail petition of these two accused persons **(i) Manobrata Jana** and **(ii) Balai Charan Maity** is taken up for hearing.

Ld. Advocate for the accused persons submits that these accused/petitioners are the active members and holding portfolios of Trinamul Congress party and they are totally innocent and have been falsely implicated in this case due to political vendetta and they are in no way connected with the alleged offence and they have been cooperating with the investigation previously and now they have replied to both the summons issued by NIA and expressed their willingness to join physically and cooperate with the investigation after the completion of the ensuing elections but the NIA arrested these accused/petitioners illegally upon serving the notices u/s 160 of Cr.P.C and he prays for bail of these accused/petitioners on any terms and conditions.

In support of his contention Ld. Advocate for the accused/petitioners files some documents along with one order of the Hon'ble High Court at Calcutta in W.P.A no. 15211 of 2023 passed on 30.06.2023 and submits that the Hon'ble High Court at Calcutta had previously granted protection to both the accused persons in connection with the instant case restrained the NIA authorities from taking any coercive action against the accused persons during the last Panchayat Election, 2023.

Ld. Advocate for the accused/petitioners further submits that revisional application u/s 482 of Cr.P.C is pending before the Hon'ble High Court at Calcutta challenging the notices dated 27.03.2024 and 28.03.2024 issued u/s 160 of the Cr.P.C and it will come up for hearing before the Hon'ble Court next week.

Ld. Spl. P.P for NIA vehemently objected to the bail prayer of this accused person and submits that allegations against these accused/petitioners are very serious in nature and these accused/petitioners are very much involved in the alleged offence of procuring the explosives for causing explosion in the local area and in the incident of explosion three persons had died and the statements recorded u/s 164 of the Cr.P.C of the protected witnesses indicates the involvement of these accused/petitioners in the alleged offence of explosion and the investigation is at the initial stage and these accused/petitioners did not comply with the notice u/s 160 of Cr.P.C on two occasions and he prays for rejection of bail prayer of these two accused/petitioners.

Heard both sides.

Perused the materials on record and the C.D.

Considering the nature and gravity of the offence alleged and also considering the materials in the C.D including the statements of the protected witnesses recorded u/s 164 of the Cr.P.C and also the statement of the witnesses recorded u/s 161 of the Cr.P.C indicating the direct involvement of these accused/petitioners in the alleged offence of bomb explosion wherein three persons had died and alleged commission of different crimes in the local area, I am of the view that this is not a fit case to grant bail to these accused/petitioners at this stage.

Accordingly, the bail prayer of these two accused/petitioners **(i) Manobrata Jana** and **(ii) Balai Charan Maity** is **rejected**.

Now the record is taken up for hearing on the point of police custody of accused persons **(i) Manobrata Jana** and **(ii) Balai Charan Maity** for five (5) days as prayed by the Ld. Spl. P.P of NIA.

Ld. Spl. P.P of NIA prays for five days police custody of two accused persons namely **(i) Manobrata Jana** and **(ii) Balai Charan Maity** in the interest of thorough and proper investigation of this case.

Ld. Advocate for the accused persons raised objection regarding the police custody of these two accused persons for five days.

Heard both sides.

Perused the petition of the NIA and the case record including the materials in the C.D.

Considering the submissions of both sides and also considering the materials in the C.D, the prayer for Police custody of these two accused persons namely **(i) Manobrata Jana** and **(ii) Balai Charan Maity** is **allowed** in the interest of thorough and proper investigation of this case.

Accused persons namely **(i) Manobrata Jana** and **(ii) Balai Charan Maity** are remanded to police custody till **10.04.2024**.

The I.O is at liberty to take the accused persons **(i) Manobrata Jana** and **(ii) Balai Charan Maity** in police custody of NIA from the Court lock up after medical examination.

The I.O is also directed to follow the guidelines of the Hon'ble Apex Court reported in **1997(1) SCC Cri. Page 96** strictly during the detention of the accused persons in PC/custody of NIA together with medical check up and both the accused persons shall not be tortured during the P.C period.

Ld. Spl. P.P of NIA also prays for allowing the NIA to retain the articles mentioned in the seizure lists marked as "B" and "C" in the interest of investigation and for sending the same for forensic examination and also prays for allowing the NIA to retain unaccounted cash of Rs. 2,36,000/- which were seized from the house of Balai Charan Maity.

Heard. Considered. The prayers for retaining the articles mentioned in the seizure lists marked as "B" and "C" and unaccounted cash of Rs. 2,36,000/- in the custody of NIA are **allowed** in the interest of thorough and proper investigation of this case.

Fix **10.04.2024** for production of these two accused persons namely **(i) Manobrata Jana** and **(ii) Balai Charan Maity** before this Court from P.C.

Let a copy of this order be sent to the I.O through Ld. Spl. P.P of NIA for information and necessary compliance.

Dictated & corrected by me

Sd/-
Chief Judge,
City Sessions Court, Calcutta.

Sd/-
Chief Judge,
City Sessions Court, Calcutta.