

NIA CASE NO. 08 OF 2023
(CNR – WBCS01-000546-2023)
Present: Sri Soumendra Nath Das
J.O. CODE NO.WB01132
Chief Judge,
City Sessions Court, Calcutta

Order No. 46 dated 03.10.2024

Today is fixed for appearance of the accused person, bringing order of the Hon'ble High Court at Calcutta, if any, and further hearing of the petition dated 25.07.2024 u/s 439(2) of the Cr.P.C praying for cancellation of bail of the accused person namely Panchanan Ghorai filed on behalf of the prosecution/NIA in presence of both sides.

Today is also fixed for hearing of the petition dated 11.09.2024 filed on behalf of the accused person namely Panchanan Ghorai praying for issuance of notice or summons upon the accused person namely Panchanan Ghorai.

Today is also fixed for production of the two accused persons namely (i) Manobrata Jana and (ii) Balai Charan Maity before this Court from J.C and appearance of accused person namely Panchanan Ghorai positively i.d necessary order will be passed in accordance with the law and considering of charge.

Accused persons namely (i) Manobrata Jana and (ii) Balai Charan Maity are produced from J.C.

Accused person namely Panchanan Ghorai on Court bail is found absent on repeated calls.

Ld. Advocate for the accused person Panchanan Ghorai files a petition praying for condoning his absence due to the recent flood and his house has been badly damaged and his family members have been suffering from diarrhea and other diseases, so he could not attend the Court today.

Ld. Advocate for the accused Panchanan Ghorai files a petition praying for adjournment the case as the Ld. Senior Advocate is not present today before this Court due to sudden emergency in his family.

Ld. Spl P.P of NIA is present.

Now the record is taken up for hearing.

Ld. Spl P.P of NIA submits that this accused person namely Panchanan Ghorai did not appear before this Court on many previous dates fixed by this Court and for which the hearing of this case could not be proceeded with and he has deliberately violated the order of this Court and on the last date this Court has passed an order that if this accused person does not appear before this Court today then necessary orders will be passed in accordance with law and he prays for passing necessary order in this regard.

Heard the Ld. Spl P.P of NIA.

Perused the case record wherefrom it reveals that this accused person namely Panchanan Ghorai was found absent on 28.08.2024, 11.09.2024, 19.09.2024 and today i.e. on 03.10.2024 and only for the absence of this accused person the hearing of this case was getting deferred day by day and he has violated the orders of this Court deliberately.

It also appears from the case record that this accused/petitioner allegedly in connivance with other co-accused persons procured huge quantity of explosives illegally in connivance with their group members with the motive of targeted killing of innocent civilians and terrorizing the people at large and

such acts are prejudicial to the sovereignty and security of India and three persons have already died due to such bomb explosions.

In view of such circumstances and the conduct of this accused person namely, Panchanan Ghorai, the petitions of the accused person Panchanan Ghorai praying for adjournment of the case and condoning the absence of the accused person namely, Panchanan Ghorai are thus **rejected**.

I refer to the Judgement of the Hon'ble Supreme Court of India in the case of **Munilakshmi Vs Narendra Babu and Another reported in 2023 LiveLaw (SC) 924** wherein the Hon'ble Supreme Court held that if it is found that an undertrial has attempted to misuse the concession of bail either by influencing the witnesses or tampering with the evidence or trying to flee from justice, such person can be committed to custody by withdrawing the concession of bail.

I find that the accused person Panchanan Ghorai is trying to flee from justice and not turning up before this court inspite of repeated directions passed by this Court and therefore the bail granted by the Ld. Additional District and Sessions Judge, 1st Court, Contain on 12.04.2023 in respect of accused person **Panchanan Ghorai** stands **cancelled**.

The bail bonds of accused person namely, Panchanan Ghorai be cancelled accordingly.

Accordingly, the Warrant of arrest be issued against accused person namely Panchanan Ghorai at once.

Office to do the needful.

Start proceedings against the sureties/surety u/s 446 of Cr.P.C.

Fix **21.11.2024** for execution of Warrant of Arrest against accused person Panchanan Ghorai and submit a compliance report.

Todate i.e on 21.11.2024 for production of accused persons (i) Manobrata Jana and (ii) Balai Charan Maity before this Court from J.C.

I.O of this case is directed to execute the Warrant of Arrest against accused person Panchanan Ghorai positively within 48 hours after receipt of the copy of this order.

Let a copy of this order be sent to the ACJM, Contai for information and necessary action.

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

D/C. by me.

Sd/-

Chief Judge
City Sessions Court, Calcutta.

Sd/-

Chief Judge
City Sessions Court, Calcutta.