

Order No. 9 dated 06.07.2023

Record is put up this day on the prayer of accused nos.4, 9, 11 and 13 namely Tapas Ranjan Das, Monotosh Karmakar, Pradyut Sarkar and Pradip Bhowmick who surrenders this day before the court.

The four accused persons are taken into custody and remanded to J.C.

A bail petition is filed for the four accused persons along with a fresh power. Let the Vokatnama be kept with the record.

Copy served to the prosecution who endorses strong objection.

The bail petition is taken up for hearing and orders.

It is submitted that the co-accused who are already on bail stand on the same footing as the present petitioners. It is also submitted that the summons or warrant issued from this court did not reach them at their address as mentioned in the cause title of the complaint since there has already been administrative division of police stations and the said summons or warrant have not sent to the new addresses of the petitioners.

It is also argued that these petitioners were already on bail when the case was pending before the Ld.Court of CJM Alipore. It is further submitted that the accused no.13 namely Pradip Bhowmick has problems in his eyes and in support of such contentions Xerox copies of medical papers have been submitted on behalf of the accused before this court. It is also submitted that the other accused are aged and hence there is no possibility of absconding if granted bail this day. Accordingly it is prayed that bail may be granted to the accused persons.

Ld. P.P. raises strong objection and submits that though these accuseds had taken bail in the year 2003 from the court of Ld. CJM Alipore yet after 2012 they were not present before the said court on several occasions. The Ld. CJM Alipore was pleased to issue warrant of arrest against these accused persons and subsequently when the record was transferred to this court once again as per the Hon'ble High Court Calcutta's order and judgement warrant of arrest was issued against these persons. Thus it is stated that these accused persons are not on the same footing as the other co-accused who have granted bail. Accordingly it is prayed that bail may be rejected.

Upon hearing both sides and upon perusal of materials on record it is revealed that indeed in the year 2003 these accused were granted bail from the Ld. CJM Court, Alipore. Thereafter the record reveals that on several occasions these accused persons did not appear before the said court and on 20.09.2011 the said court was pleased to issue Proclamation Order against these accused persons. Subsequently the record was transferred to this court and warrant of arrest was issued against the

accused persons. It cannot be said that the accused persons were not aware of the entire proceedings of the case. So far as the matter of administrative division of police station is concerned these accused persons never informed the SEBI Authorities about the change of police stations on their address, despite knowing that the instant case was pending against them.

Thus it is clear that this day the accused persons have not come up with clean hands before the court.

However I am inclined to consider the case of the accused no.13 who has eye problems and medical report shows that he does not have any vision in his right eye. The grounds set forth for the other accused persons are not convincing enough to warrant their release this day.

Hence,

Ordered.

Bail prayer of accused Pradip Bhowmick is hereby allowed.

The accused may be released on bail on furnishing a bond of Rs. 25,000/- with one surety of like amount i/d to J.C.

If on bail the accused shall appear before the Court on every date of hearing.

Bail prayer of accused no. 4,9 and 11 stands rejected at this stage.

To date (29.08.2023) for appearance and further order.

Let a copy of this order be sent to the Ld. C.M.M., Kolkata for information.