

M.L. CASE NO 06 OF 2024
CNR-WBCS01-000615-2024
Present: Shri Soumendra Nath Das
JO Code No: – WB01132.
Chief Judge, City Sessions Court, Calcutta.

Order no 02 dated 29.08.2024

Today is fixed for S/R and appearance of the accused person namely **Lakshman Hembram** before this Court.

Ld. Special P.P of Enforcement Directorate and the Ld. Advocate for the accused/petitioner are present.

The accused person namely, **Lakshman Hembram** appears before this Court and files a bail application u/s 480 of the BNSS read with section 85 of the BNSS along with a fresh Vakalatnama.

The accused person namely, **Lakshman Hembram** is taken into custody.

Copy served to the Ld. Spl. P.P of Enforcement Directorate.

Now the bail application u/s 480 of the BNSS read with section 85 of the BNSS filed on behalf of the accused/petitioner namely, **Lakshman Hembram** is taken up for hearing.

Ld. Advocate of the accused/petitioner submits that this accused/petitioner is a social worker and also a public servant in the department of Post, Government of India and he had worked honestly throughout his career and charge sheet has already been submitted in this case and this accused/petitioner was on bail in the case arising out of the predicate offence pending before the Fast Track Court, District Court at Purba Medinipore.

Ld. Advocate for the accused/petitioner further submits that on the basis of complaint filed by the E.D against this accused/petitioner under PMLA 2002 before this Court, this Court took cognizance of the offence on 29.07.2024 and this accused/petitioner has appeared before this Court today as per the summons issued by this Court u/s 204 of the Cr.P.C and this accused/petitioner has already co-operated with the investigation and he prays for bail of this accused/petitioner on any terms and conditions.

In support of his contention, Ld. Advocate for the accused/petitioner cited one Judgement of the Hon'ble Supreme Court of India reported in **Criminal Appeal No 2608 of 2024** in the case of **Tarsem Lal Vs Directorate of Enforcement** and also draws the attention of this court to paragraph 23 (c) which is set out as follows “ *After a summons is issued under Section 204 of the CrPC on taking cognizance of the offence punishable under Section 4 of the PMLA on a complaint. If the accused appears before the Special Court pursuant to the summons, he shall not be treated as if he is in custody. Therefore, it is not necessary for him to apply for bail. However, the Special Court can direct the accused to furnish bond in terms of Section 88 of the CrPC*”.

Ld. Counsel for the accused/petitioner submits that this accused/petitioner be released on furnishing bond by this Court in accordance with section 88 of the Cr.P.C as the petitioner is on bail in connection with the case arising out of the predicate offence pending before the Fast Track Court at Purba Medinipore District at Tamluk.

In reply, Ld. Special P.P of Enforcement Directorate has raised vehement objection to the bail prayer of this accused/petitioner and submits that there are allegations that this accused/petitioner while working as Sub-post Master, Ramchandrapur, Sub Office during the period from 09.02.2014 to 20.09.2018 misappropriated, defalcated and siphoned off money to the tune of Rs. 4,49,73,857/- thereby causing monetary loss to the Post Office Department and the modus operandi adopted by this accused/petitioner in the capacity as a Sub Post Master in Ramchandrapur Post office between the year 2014 -2018, he used to prematurely break the Term Deposits by forging the signatures of various innocent customers without their knowledge and also transferred the defalcated money into the accounts of his brother for purchase of

movable property and immovable property including petrol pump along with lands and also to the company account of one Arun Bera to earn profit by investing into his business.

Ld. Spl. P.P of E.D further submits that this accused/petitioner is very much involved in the alleged economic offence of a very high magnitude wherein siphoning off crores of rupees by forging the signatures of innocent customers of the post office has been committed by the accused/petitioner and his further custodial interrogation is very much required to unearth and attach the proceeds of crime involved in money laundering and to trace out the money trail and he prays for rejection of bail prayer of this accused/petitioner.

Heard both sides. Perused the materials in the case record and the complaint of the E.D.

Considering the nature and gravity of the offence and also considering the complaint of the E.D indicating the prima facie involvement of this accused/petitioner in the alleged offence of forgery, misappropriation and siphoning off crores of rupees as a Government employee, I am of the view that this is not a fit case to grant bail to this accused/petitioner.

I have also perused the complaint including the sale deeds being Deed No. I-4506/2018 dated 25.07.2018, Deed No. I-0371/2018 dated 17.01.2018, Deed No. I-6195/2017 dated 13.11.2017, Deed No. I-6198/2017 dated 13.11.2017 and Deed No. I-5682/2017 dated 16.10.2017 and the said five sale deeds prima facie indicates the modus operandi of the forgery and the manner in which the siphoning and misappropriation of funds were done by the accused/petitioner as a Sub-Post Master of the Ramchandrapur Post Office for purchasing properties in the name of the accused/petitioner and his family members out of the siphoned of funds and in the process it appears that there has been a defalcation to the tune of Rs. 4,49,73,857/- and the said money is yet to be recovered and the properties are yet to be attached and for which his further custodial interrogation is very much necessary and if at this stage the accused/petitioner is released on bail then there is every chance of tampering of evidences, repeating of the offence and the likelihood of the accused fleeing from justice cannot be ruled out.

Accordingly, the bail prayer of this accused/petitioner **Lakshman Hembram** is **rejected**.

The accused/petitioner **Lakshman Hembram** be sent to J.C till 23.09.2024.

Issue custody warrant accordingly.

Fix **23.09.2024** for production of the accused/petitioner before this Court and supply of copies.

Let a copy of this order be sent to the I.O through Ld. Special P.P. for information.

Let a copy of this order be also sent to the Superintendent of Presidency Correctional Home for information.

D & C by me
Sd/-
Chief Judge
City Sessions Court, Calcutta.

Sd/-
Chief Judge
City Sessions Court, Calcutta