

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 04 dated 27.09.2024

Today is fixed for hearing of the bail application dated 23.09.2024 filed on behalf of the accused person namely **Lakshman Hembram**.

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

Now the bail application dated 23.09.2024 filed on behalf of the accused person 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 has been falsely implicated in this case and after taking cognizance of the offence under PMLA 2002 against this accused/petitioner by this Court on 29.07.2024, this accused/petitioner had appeared before this Court as per the summons issued by this Court u/s 204 of the Cr.P.C and this accused/petitioner had already co-operated with the investigation and investigation has been completed with submission of ECIR 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*”.

In reply, Ld. Special P.P of Enforcement Directorate raised no objection with regard to the bail prayer of this accused/petitioner and submits that investigation has been completed and ECIR has been filed in this case.

Heard both sides.

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

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 huge 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 confiscated and he is the prime accused in the instant case.

Considering the nature and gravity of the economic offence and also considering the complaint of the E.D, this Court finds that there are reasonable grounds for believing that this accused/petitioner is very much involved in the alleged offence of forgery, misappropriation and siphoning off crores of rupees as a Government employee and there is all possibility for this petitioner to commit similar offences if granted bail and therefore, I am of the view that this is not a fit case to grant bail to this accused/petitioner.

Moreover, I am of the opinion that economic offences constitute a class apart and needs to be visited with a different approach in the matter of bail. The economic offences having deep rooted conspiracies and involving huge loss of public funds needs to be viewed seriously and considered as grave offences affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country.

Here the allegation is defalcation of public money from savings accounts (SB)/term deposit accounts (TD) standing at Ramchandrapur Sub-Post Office in account with Tamluk Head Post Office in the shape of premature closure of those SB/TD accounts and fraudulent withdrawals from the number of savings bank accounts committed by Sh.Lakshman Hembram during his incumbency as Sub-Post Master, Ramchandrapur Sub-Post Office for the period on and from 09.02.2014 to 20.09.2018.

Moreover, the bail prayer of this accused/petitioner has already been turned down by this Court on 29.08.2024 and thereafter there is no change of circumstances to consider the bail prayer of this accused/petitioner at this stage.

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

Todate i.e. on 07.10.2024 for production and inspection of documents.

D & C by me
Sd/-

Chief Judge
City Sessions Court, Calcutta.

Sd/-

Chief Judge
City Sessions Court, Calcutta

