

Special (ACB) Case No. 06 of 2023

Filing No. 628 of 2023

CNR- WBCS01-000628-2023

Present:- Koustuv Mukhopadhyay(In-charge),
Addl. Dist. & Sessions Judge Bench-II, Calcutta.Order No.62

Dated:-10.04.2026

The regular P.O has been transferred.

I am in charge of this Court as no new officer is appointed in this Court.

Today is fixed for I.O's report and for hearing of the petitions dated 27.03.2026 filed on behalf of the accused Apurba Barai and Subodh Sarkar.

Ld. Chief PP Sri Debasish Mallick Choudhury and Ld PP Biswajit Thakurta are present before this Court by filing separate haziras.

Ld. Defence Lawyer on behalf of the accused Apurba Barai, Subodh Sarkar are also present.

One police report is received from I.O of this case, duly forwarded by O/C, of A.C.B P.S as well as Ld.PP of this case. It is submitted that necessary order may kindly be passed regarding the waving the condition of bail of the accused Apurba Barai and Subodh Sarkar.

Now, the petition dated 27.03.2026 filed on behalf of the accused Apurba Barai is taken up for hearing.

Ld. Defence Lawyer submits that the accused Apurba Barai has got bail on 10th December,2025 from Hon'ble High Court, Calcutta on condition " if on bail, the petitioner shall be physically present on each and every date so fixed before the Ld. Trial Court and shall not leave the Jurisdiction of district Kolkata without the prior permission of Ld. Trial Court." This order has been passed by the Hon'ble High Court, Calcutta in CRM(m) No. 183 of 2025 in connection with this case.

It is submitted that, now the accused person has come before this Court with a humble prayer to allow him to go to his residential place at Malda.(Vill & P.O- Khutadah, Khutadah, P.S- Bamungola) for casting his Bidhan Sabha election vote on the ground mentioned in the petition.

Heard the Ld. Counsel as well as P.P.

Ld. P.P has raised strong objection of the prayer, it is stated that the accused defalcated government fund in 29 separate schemes and if he got the permission to go to his native place there will be every chance of influencing witnesses.

Heard. Considered and the prayer of the accused Apurba Barai is allowed.

Accused Apurba Barai, is permitted to leave the Jurisdiction of Kolkata from the evening of 15th day of April, 2026 and he can stay at his mentioned native place till 5th May, 2026.

Now, the petition dated 27.03.2026 filed on behalf of the accused Subodh Sarkar is taken up for hearing.

Ld. Defence Lawyer on behalf of the accused namely Subodh Sarkar submits that the accused Subodh Sarkar was granted bail on condition that : 1) he shall appear before the I.O once in a fortnight until further order. 2) he shall enter within the jurisdiction of Baigachi-II Gram Panchayet under Gazole Development Block, Malda until further order and prays for an order for waving the condition of bail which was granted by this Court vide Order dated- 20.12.2024 on the ground stated in the petition.

Ld. Defence Counsel submits that both the accused namely Apurba Barai, Subodh Sarkar shall not influence the prospective witness or tampered the evidence.

Since, in view of the submission of the Ld. P.P., the condition of the respective bail orders dated 05.09.2024 and 20.12.2024 of the accused person Subodh Sarkar is partially waived and he is permitted to enter the jurisdiction of Bahirgachhi II Gram Panchayat, from 15th day of April, 2026 and he can stay at his mentioned native place till 5th May, 2026 for casting his vote. However, the condition of meeting the I.O. once in a fortnight can be relaxed to once in a month in view of the submission made by the Ld. P.P.

Accordingly, the petitions are allowed in part. The accused person shall appear before the I.O. once in a month until further order. The respective bail orders dated 05.09.2024 and 20.12.2024 i/r/o accused Subodh Sarkar are modified to this extent, the other conditions remaining unchanged.

Let a copy of this order be sent to the I.O of this case through O/C, A.C.B P.S, W.B for information.

Though the next date is fixed on **07.07.2026** but, I am fixing **06.05.2026** for appearance of the accused Apurba Barai and Subodh Sarkar before this Court to ascertain whether they had complied this order or not.

To date i.e **07.07.2026** for appearance of the accused persons and hearing of the petition dated 13.08.2025 filed by the I.O.

D & C by me,

Judge, Bench-II (I/C)
City Sessions Court, Calcutta.
JO Code- WB001059

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