

Sessions Case no. 46 of 2023

CNR : WBCS01-000648-2023

Present : Abhijit Ghosh
(JO Code-WB 00910)
Addl. Dist & Sessions Judge,
1st Fast Track Court, Bichar Bhawan, Calcutta.

Order dated 21, Dated 18.09.2024:-

Today is fixed for evidence and hearing of bail petition dated 13.08.2024 as filed on behalf of the accused Rinku Sk @ Fakasu.

Out of four accused persons, two accused persons namely Rafik Sk and Malek Sk who are on AI bail are present by filing hazira.

Other two accused persons namely Rinku Sk @ Fakasu and Anand Das Vaisho are produced from JC.

It is now 11.00 am in the clock.

Ld. PP in-charge is present.

The record is called on for recording evidence.

Ld. PP in-charge submitted before this Court that no police personnel or IO or Court Babu came from STF with CD to proceed with the evidence and requested the Court to provide some time for adducing evidence.

It is most unfortunate enough that Court is waiting for the appearance of the STF police personnel or IO and for the CD and judicial hours of this Court are being wasted for non-cooperation and non-attendance of the discipline force at the proper judicial time, flouting the discipline of the police as well as discipline of the judiciary.

Assistant Commissioner of Police, STF is hereby directed to ensure the attendance of the police personnel right at 10.30 am along with CD to assist the Ld. Public Prosecutor so that the process of trial can be taken up early in the morning.

Let a copy of this order be sent to Assistant Commissioner of STF for his strict compliance.

It is now 12.10 pm when the police personnel of STF appears before this Court.

Ld. Defence Counsel and Ld. PP in-charge are present.

PW2 is present who is examined in chief partly and the same is deferred on the prayer of prosecution.

PW2 is directed to appear before the Court on the next date fixed.

The bail petition dated 13.09.2024 will be heard later.

Dictated & corrected by me

Addl Dist & Sessions Judge
Fast Track Court 1, Calcutta

Later (1.30 pm):

Ld. Advocate of the accused Rinku Sk and Ld. PP in-charge are present.

Now the bail petition dated 13.09.2024 is taken up for hearing.

Ld. Advocate of the accused submitted before this Court that present accused is in custody since his arrest on 19.03.2023 and no bail application is pending before any higher forum and never moved bay bail petition before any higher forum. Ld. Advocate further submitted that in this case evidence of PW2 is going on and there is hardly any chance of immediate conclusion of trial of this case. Ld. Advocate further submitted that the present accused is completely innocent and is no way connected with the alleged offences. Ld. Advocate further submitted that the present accused has two minor children who are studying in school and the father of the accused is severely sick and the accused is only bread earner of his family. Accordingly Ld. Advocate prays for bail of the accused on any stringent conditions.

Heard the Ld. PP in-charge who submitted that there is huge recovery of FICNs from the possession of this accused and this accused is a habitual offender and previously this accused was convicted in other case in connection with same nature of offence. Ld. PP in-charge further submitted that if the accused is enlarged at this stage, the progress of the trial will be frustrated as there is every chance of absconsion and prays for rejection of the bail.

Considered the submissions.

After hearing of both sides and on perusal of the bail petition, it appears to this Court that the main contention of the accused/petitioner is that he has been falsely implicated in this case but the record and CD does not justify his contention. On perusal of the record it also appears to this Court that previously on 19.06.2024 this Court was pleased to reject the bail application of this accused with reasoned order and there is no circumstantial changes in the record since then.

Considering the gravity of the offence, criminal antecedent of the accused and severity of punishment if found guilty, I am not inclined to allow the bail petition of the accused.

Accordingly bail petition of accused Rinku Sk. is rejected.

Accused Rinku Sk and Anand Das Vaishno be remanded to JC till next date i.e. 07.12.2024.

Fix **07.10.2024** for evidence

Dictated & corrected by me

Addl Dist & Sessions Judge
Fast Track Court 1, Calcutta

