

Special Case No- 21/2011
Reg No.426/14
CNR No. WBCS01-000716-2011
Order No. 108
Order dated 25.02.26

The accused persons namely Md. Mazhar Imam and Sazda Naaz are produced before this court on the basis of arrest of open warrant of arrest. They are taken into custody and remanded to J.C till 05.03.2026.

One bail petition is filed on behalf of accused persons.

Copy of the bail is served upon the Id.PP for CBI who raised objection without filing written objection.

The bail petition is taken up for hearing.

Heard Id. Advocate for the accused persons.

Ld. Advocate for the accused persons submits that in the present case, charge sheet was submitted against seven accused persons showing them as absconders. Out of them, accused nos. 2 to 7 had surrendered before this court and obtained bail on 02.11.11 and 05.01.12. It is further submitted that all these five accused persons were granted bail on the date which they surrendered before this court.

It is contended by the accused persons that the present accused had no knowledge regarding the pendency of the case or pendency of warrant. Had they got any knowledge, they could have surrendered before this court and prayed for bail.

Ld. Advocate further submits that the investigation has been completed and there is no necessity to keep the accused persons behind the bar only to satisfy the wishes of CBI.

It is submitted that the accused Md. Mazhar Imam had undergone a surgery and stain had been inserted about 3/4 years ago. It is submitted that both the accused persons are aged and one of the accused persons is woman and considering the entire background of present condition of the accused persons, their prayer for bail should be allowed.

On the other hand, Ld. PP for CBI raised objection. It is contended that this is a case involving Rs.143 lacs of UCO Bank, Kolkata where the present two accused persons had obtained to loan from the bank by producing fraudulent documents.

It is submitted by the Ld.PP for CBI that the present two accused persons are the main beneficiaries of the defrauded money and for that reason the investigating officer had prayed for issuance of warrant before this court on the 02.02.2011 which was allowed.

It is submitted that CBI could not arrest the present two accused persons as they were changing their address and ultimately a charge sheet was filed showing the present two accused persons as absconders. During the pendency of the case, the accused persons could not be apprehended even after issuance of proclamation order. Ultimately the case was filed for present on 11.01.2013 against both the accused persons and an open warrant of arrest was issued and ultimately the accused persons were arrested on 25.02.2026.

It is submitted the case is pending for further evidence on 05.03.26. I have gone through the record minutely. It is true that the investigation of the case has already been completed and for purpose of investigation the custody of the accused persons is not required. But at the same time, while at the time of bail petition the chance of abscondence of an accused person is also a factor and required to be weighed properly. At a glance, it is abundantly clear that CBI could not apprehend the accused persons from the time of investigation till today. It means the accused persons were absconding for long 15 years. Nothing has been got on record to explain their abscondence for a long period of 15 years and I am of the view that there is every chance of further abscondence of the accused persons, in case, they are released on bail.

Considering that aspect of the matter prayer for bail stands rejected.

Superintendent, Presidency of Correction Home is directed to provide medical facilities to the accused persons in case of necessity.

Let a copy of this order be sent to the Superintendent, Presidency of Correction Home for his information and necessary action.

To-date.

Sd/-
Judge, 3rd Special
CBI Designated) Court
Bankshall Court, Calcutta