

**S.C 271-2023****CNR no.WBHG-01- 004263-2023****Order no. 06 dt. 21.12.2023**

Today is fixed for hearing of the bail petition in respect of the accused Suman Dholey on one set and Ratan Khetrapal & Sudip Bhattacharjee @ Tilak on another set.

Heard both sides present. Considered.

Learned Advocate appearing for the accused Suman Dholey submits that during the entire investigation of the case, direct involvement of this accused is not forthcoming. He has been made victim of motivated implication. The victim child was not recovered from the custody of this accused or even from anyone. No recovery memo was prepared by the police. This accused is said to have taken the victim child with him on his motorcycle and subsequently from him, the victim child was kidnapped by unknown miscreants. During investigation, his name has been dragged in amongst the accused persons. For no appropriate reason, he has been suffering detention in custody for more than 08 months since his arrest on 15.05.2023. There is no evidence collected by the police that all the accused persons including this accused connived with each other in committing the alleged crime. Charge sheet has already been submitted in this case long before on 07.08.2023. His further detention in custody will serve no purpose.

The learned Advocate in support of his submission cited the case decision of Manish Solanki Vs. State of Rajasthan, 2019 (2) AICLR 540 (SC); Sushil Kumar Vs. State of H.P, 2019 (2) AICLR 808 (H.P); P. Chidambaram Vs. C.B.I, 2019 AICLR 321 (SC); Suresh V. State and another, 2019 (4) AICLR 553 (Kar); Jageet Singh V Ashish Mishra, 2022 (2) Crimes 256 (SC) in support of his submission on the principles of law.

Learned Advocate for the accused persons namely Ratan Khetrapal and Sudip Bhattacharjee @Tilak in his turn submits that his clients have been made victims of the false implication. Charge sheet in this case has already been submitted. As regards the principle of law for grant of bail, he supported the submission of the learned Advocate for the accused Suman Dholey. Long detention in custody is seriously pressed. It is further submitted that nowhere during the investigation, the direct involvement of these two accused persons could be established. If the learned Court release them on bail, they will comply all the conditions of the bail.

Flip side, the learned P.P in-charge submits that very recently on 19.12.2023, bail petition of the accused Subhasis Tribedi @ Raja and another was rejected by the Division Bench in connection with CRM (DB) 4503/2023 and bail petition of one more accused Ratan Khetrapal was rejected by the Hon'ble High Court on 19.10.2023 in connection with CRM (DB) 4114/2023. It is further submitted with force by the learned P.P in-charge that this is a case of kidnapping of two years and so of a minor child for ransom and the Hon'ble High Court has been pleased to reject the bail prayer after considering all aspects. My attention is drawn to the materials page by page from the C.D against the present accused petitioners. He vehemently opposes their bail prayer.

This is a case of kidnap of a minor child of roughly aged 2½ years namely Adhyan Saha against ransom for over two crores of rupees. The offence under scan of this learned Court is certainly of grave in nature. Gravity of the offence has been seriously noted in the solemn orders of the Hon'ble High Court. This is a case inter alia u/s 364A/120B IPC. On the dates of rejection of the bail prayer by the Hon'ble High Court, charge sheet was already submitted and considering the materials in the C.D, the bail prayer was refused. It would not be appropriate to assume a different view by allowing their bail prayer on the grounds as agitated by the petitioners. The principles of law as propounded in the aforesaid case decisions is unsupportable for considering their bail in my humble consideration.

I am therefore, not inclined to release them on bail at this stage as prayed for. Accordingly, the bail prayer of all the three accused persons stand **rejected**.

To 07.02.2024 for production.

Dictated & corrected by me

Sd/-

Additional Sessions Judge,  
1<sup>st</sup> Court, Chinsurah

Sd/-

Additional Sessions Judge,  
1<sup>st</sup> Court, Chinsurah.