

S.C 271/2023

CNR no.WBHG-01- 004263-2023

Order no. 10 dt. 07.02.2024

All the six accused persons are produced from J/C.

Today is fixed for hearing of the bail petition in respect of the J/C accused person Suman Dholey.

At this stage, one discharge petition is filed on behalf of the J/C accused namely Ratan Khetrpal and Sudip Bhattacharjee @ Tilak u/s 227 Cr.P.C.

Learned Advocate for the aforesaid two accused persons and the learned P.P, Hooghly prayed for fixing next date for hearing on the discharge petition. Accordingly, time is granted.

Now the bail petition is moved. Heard both sides. Considered.

The learned Advocate submits in the beginning that they have never moved before the Hon'ble High court for grant of bail. Learned Advocate for the accused Suman Dholey praying for bail submits that this accused is suffering detention in custody for more than 09 months. FIR itself does not reveal any direct allegation against him. Charge sheet in the case was submitted long before on 07.08.2023 and therefore, no purpose would be served to keep him behind the bar anymore. The alarming point of this case is that soon after the incident of the alleged kidnap, the infant child was recovered from a place and not from anybody's custody. The mobile number shown in the police paper is not that of this accused person. His involvement in the alleged incident is nowhere evident from the evidence collected during investigation as well as the charge sheet. Statements of the witnesses show no involvement of the accused in the case on hand. He became victim of the circumstances. Being a resident of the of the jurisdiction of this court, he should be enlarged on bail imposing any condition. In support of his submission, he cited the case decisions of 2019 (2), AICLR 540 (SC), 2019 (2) AICLR 808 (H.P), 2022 (2) Crime 256 (SC), 2019 (4) AICLR 321 (SC) and 2019 (4) AICLR 553 (Karn) and prayed for bail of the accused person.

Learned P.P, Hooghly in his turn placed the C.D before me and my attention is drawn to page nos. 10, 11, 12, 14, 19, 21, 22, 33, 34, 61, 66, 69, 72, 78, 99 and 100 to 102. He submits that this accused is the principal accused and forging criminal conspiracy with other co-accused persons, he committed the alleged incident for ransom of over Rs.2crores. He laid stress that this is a fit case for custody trial. The case is otherwise ready for framing of charge. Previously bail of this accused person was rejected by this learned court on 17.11.2023 and 21.12.2023.

The bail petition of the co-accused Sudip Bhattacharjee @ Tilak and Ratan Khetrpal was rejected previously by the Hon'ble High Court much after submission of charge sheet. Almost the same ground has been agitated and pleaded before me on behalf of this accused petitioner. I have taken myself through the abovereferred pages of the C.D, besides other relevant materials, side by side this case record on hand and

do not find any appropriate reason to consider the bail prayer on the grounds as agitated before me today. I find plausible materials in the C.D on the allegation of kidnapping the minor boy of aged 2½ years against ransom of over 2 crores of rupees. The case decisions relied is unsupportable to the facts and circumstances of this case and the available materials in the C.D and the case record.

Considering all aspects, the bail prayer of the accused is **rejected**.

To 29.02.2024 for production and discharge petition hearing.

Dictated & corrected by me

Sd/-
Additional Sessions Judge,
1st Court. Chinsurah
J.O Code no.WB00753

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1st Court, Chinsurah.
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