

Order No. 17

Dated: 01.08.2023

Today is fixed for production of accused Md. Irshad Alam @ Raju and Chandrasekhar Rai, appearance of accused Inzamamul Haque @ Mister on court bail, consideration of charge and hearing on bail petition filed for the accused Md. Irshad Alam @ Raju on 17.07.2023. Two accused persons namely Md. Irshad Alam @ Raju and Chandrasekhar Rai are produced from Burdwan Central Correctional Home.

Another accused person on Court bail namely Inzamamul Haque @ Mister is absent by filing petition.

Ld. Advocate Sri Kishore Kumar Shaw representing accused Md. Irshad Alam @ Raju is present.

Ld. P.P i/c Sri Gopal Patra is also present by filing hazira for the State.

The case record is now taken up for hearing on bail petition filed for accused Md. Irshad Alam @ Raju on 17.07.2023.

I have heard both sides .

During course of hearing , Ld. Counsel for the accused submitted that this accused was arrested on 23.06.2021 and was produced at Bihar. Thereafter on 25.06.2021 he was produced before Ld. ACJM at Chandannagar. There is no prayer in the charge sheet to the effect that trial should be custodial trial. It is also submitted that the FIR is an unknown one and no prayer for police custody of this accused was submitted by the I/O during investigation of the case. Ld. Counsel also submits that the another accused namely Inzamamul Haque @ Mister is on court bail. Hence is the prayer for bail of this accused.

Ld. P.P. raised vehement objection in allowing the prayer for bail and submitted that this accused is a resident of Bihar and is directly involved with the offense. Also this accused has been identified by witness during his TI Parade. Ld. P.P. submits that the statements recorded u/s 161 Cr.P.C., seizure lists photos, CCTV footage, Inquest report, Post Mortem report in the CD donot permit this accused to be released on bail. That apart, Hon'ble High Court, Calcutta , has been pleased to reject the bail petition of accused on 15.11.2022.

I have carefully perused the CD as well as available materials in hand.

The defacto complainant Kalyani Mondol lodged a complaint on 18.06.2021 before Singur PS to the effect that on that very day at 3.45 PM, she along with her husband Monoj Mondol, son Puskar Mondol aged 12 years and daughter Monisha Mondol aged 15 years were returning home from her paternal house in a motor van driven by her husband Monoj Mondol . At that time two persons boarded in a deep coloured motor cycle were following them. When her husband turned the engine van towards village moram road, those two miscreants came in front of the engine van. One of those miscreants shoot her husband and they snatched away their bags containing cash and other valuables. Her husband was declared brought dead at Singur Rural hospital.

The case initiated on receiving the complaint.

It appears that during investigation CCTV footage, call details record and tower location of mobile phone were collected by I/O and this accused was arrested and produced before Ld. ACJM Samostipur on 23.06.2021, where prayer for transit remand was allowed and then he

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was produced before Ld. ACJM Chandannagar on 25.06.2021. On that very date I/O had prayed for TI Parade of this accused, which was considered and allowed by Ld. Court. Materials in CD show that witnesses Kalyani Mondol and Manisha Mondol identified this accused during TI Parade stating that this was the person who was driving the bike on that day and his friend shot Monoj. It is also a matter of record that on 29.06.2021 I/O submitted prayer for police remand of this accused, which was considered and allowed on 30.06.2021. During PC period this accused confessed his guilt and based on his confessional statement, the other co accused- Chandra Sekhar Roy could be arrested. On 20.09.2021, charge sheet was submitted in this case u/s 392/302/201/120B IPC against accused persons.

It is also a matter of record that the petitions for bail of this accused was considered and rejected by Ld. Additional Sessions Judge, Chandannagar on 28.09.2021, 07.10.2021, 25.10.2021, 26.11.2021, 18.12.2021, 10.01.2022, 07.02.2022 and 07.03.2022. Thereafter this case was received by this court on 21.04.2022 for disposal, from the court of Ld. Additional Sessions Judge, Chandannagar.

It appears from the CD that this accused along with accused Chandra Sekhar Roy committed the alleged crime on the date of the incident. The offending gun was recovered from the possession of accused Chandra Sekhar Roy. I have also considered the CCTV footage, statements u/s 161 Cr. P.C., post mortem report of deceased and other relevant materials in CD. This accused is a resident of Bihar. Also Hon'ble High Court, Calcutta, has been pleased to reject the bail petition of accused on 15.11.2022.

Considering all, I do not find that this is the proper stage to release this accused on bail.

Accordingly bail petition filed for accused Md. Irshad Alam @ Raju on 17.07.2023 is rejected.
Return C/D.

Time prayer of absentee accused is allowed as last chance.

Fix 20.09.23 for production, appearance and consideration of charge.

D/C by me

Additional Sessions Judge
FTC, Chandannagar
WB00875

Additional Sessions Judge
FTC, Chandannagar