

ST 131 of 2025
[CNR No.-WBHW01-002010-2025]

Present : Smt. Asmita Samajder (J.O. Code: WB00956)
Additional Sessions Judge,
4th Court, Howrah.

Order No.17 dated 19-09-2025

Today is fixed for cross-examination of PW3, appearance, production and hearing of the bail petition filed by the accused Shourav Adhikary.

Out of seven accused persons, two accused persons, namely, Neha Sonthalia, and Vijay Sonthalia, on CB, are present by filing hazira.

Other five accused persons namely Juli Kumari, Mukul Bag @ Sarkar, and Jyotsna Mondal, Manik Halder and Shourav Adhikary, in J/C, are produced before this court through VC from their respective Correctional Homes.

Ld. P.P-in-charge and Ld. Advocates for the accused persons are present.

PW3 is not present today.

As such, the record is taken up for hearing of the bail petition filed by the accused Shourav Adhikary on 12-09-2025.

Heard the said petition at length, in full.

By filing the instant petition, this accused mentioned that he has been falsely implicated in this case and is in custody since the last one year with no fault on his part. According to him, three witnesses have been examined in this case and no prima facie case has been established by the prosecution against him. It has been further averred that this accused is innocent and there is no chance of his absconding from trial. This accused then prayed for granting him bail on any condition and further mentioned that no other application under Section 483 of the BNSS (Section 439 of the Cr.P.C.) is filed, pending or rejected before the Hon'ble High Court at Calcutta or before any other higher forum, prior to filing this application under Section 483 of the BNSS.

Ld. Advocate for the accused mentioned during hearing that the allegation against this accused is that he had issued and manufactured false birth certificates from the concerned nursing home, but the investigating authorities have not been able to file any document in that respect. Ld. Counsel representing the accused further stated that no materials allegations against this accused have been found from the statements of the witnesses examined under Section 164 of the Cr.P.C. either. He then stated that no handwriting sample of this accused was taken so as to establish his complicity in this case. Ld. Counsel then prayed for releasing this accused on bail on any condition.

Ld. P.P-in-charge representing the State raised vehement objection to the instant petition being allowed and he submitted that this is not a fit case for granting bail to this accused person, in view of the directions of the Hon'ble Supreme Court given in the case of **Pinki vs. State of Uttar Pradesh and Another [Criminal Appeal No.1927 of 2025 (arising out of SLP (Crl) No.4658 of 2025)]**. He also averred that there are sufficient materials against this accused person and the supplementary charge-sheet is under process and is to be filed soon. Pursuant to this submission, Ld. P.P-in-charge also pointed out that there are bank statements showing transactions between this accused and the accused Manik Halder, who is the prime accused in this case. Ld. P.P-in-charge further mentioned that this accused person criminally conspired with the rest of the accused persons for commission of the alleged offences. He highlighted that as per the decision of the Hon'ble Apex Court in the Pinki case (*supra*), no bail can be granted and only custodial trial is to be conducted in these types of cases. He also agitated that the Ld. Sessions Judge, Howrah has been pleased to reject the bail petition of this accused person earlier and no new circumstances have arisen so as to grant bail to the accused person today. Ld. P.P-in-charge then prayed for rejection of the bail petition filed by this accused.

(...contd...)

ST 131 of 2025
[CNR No.-WBHW01-002010-2025]

(...contd...)/**Order No.17 dated 19-09-2025**

Perused the materials on the CD and the case record.

It appears from the records that there are sufficient materials and allegations against the present accused. Prima facie involvement of this accused in the offences is apparent, and his complicity cannot be ruled out at this stage. Furthermore, the Ld. Sessions Judge, Howrah, was pleased to reject his bail application vide Order No. 5 dated 09-04-2025 in Criminal Misc. Case No. 306/25. As rightly contended by the Ld. PP-in-Charge, no new circumstances have emerged since such rejection, which would warrant the grant of bail to the accused. The CD as well as the bank statements further reveal that the accused had direct communication with the principal accused, Manik Halder. It further transpires from the case record that this court had also rejected the bail petition of the accused, vide order no.4 dated 15-05-2025 on the ground that there are allegations against him pertaining to forgery of registration of birth and preparing fake birth certificate.

Therefore, in view of the foregoing discussions and guided by the directions laid down by the Hon'ble Apex Court in the case of Pinki (*supra*), coupled with the apprehension that release of this accused on bail may result in his absconding from trial, I am of the considered opinion that the present case does not warrant grant of bail to the accused.

Accordingly, bail petition dated 12-09-2025 filed by the accused Shourav Adhikary stands rejected.

CD be returned.

Fixing **27-10-2025 and 04-11-2025** for cross-examination of PW3 and physical production of the accused persons in J/C, and appearance of the accused persons on court bail.

Prosecution is to ensure that the PW3 is present on the date so fixed.

Dictated & corrected by me;

ASJ

Additional Sessions Judge,
4th Court, Howrah