

ST No.75 of 2021
(arising out of AJC Bose B. Garden PS Case No.48/21 dated 21/04/2021)
[CNR No. – WBHW01-003667-2021]

Order No. 89 Dated: 08-01-2026

Today is fixed for production and further cross-examination of PW7.

Six accused persons, in J/C, namely Md. Saddam, Md. Hussain Umar Ansari, Md Ali @ Panchu, and Surojit Bardhan @ Barka @ Sagar Bardhan, Chandan Kr. Chowdhary, and Vikash Singh @ Viki are produced through VC from Howrah District Correctional Home; and another accused person, namely, Devendra Mishra, is produced through VC from the Presidency Correctional Home.

De facto complainant files his fresh vakalatnama. Let the same be kept with the record. Ld. PP-in-Charge and the Ld. Advocate for the concerned accused are present.

Witness namely Bhola Roy (PW7) is present. As such, he is further cross-examined today for the accused persons, namely, Md. Saddam and Md. Ali @ Panchu, in full. He is also cross-examined in full for the accused Md. Hussain Umar Ansari. After conclusion of his cross-examination, PW7 is discharged.

At this stage, a petition is filed on behalf of the accused Chandan Kr. Chowdhary praying for releasing him on parole for an interim period of 15 days to visit his ailing mother who has been suffering from cancer. Copy of the said petition has been served upon the prosecution. In support of his contentions, several documents have been filed, such as photocopies of medical reports, discharge summery, case reports relating to Mrs. Anita Chaudhuri, as well as Aadhaar cards of Anita Choudhary, accused Chandan Kumar Choudhary, and Navin Kumar Choudhary.

The petition is moved. Heard at length. Considered. Perused the materials on record.

It appears therefrom that earlier in this case, similar prayers of UTP namely Devendra Mishra was allowed on order no. 71 dated 07-01-2025; and the prayer of another UTP namely Md. Hussain Umar Ansari was allowed vide order dated 82 dated 22-07-2025. Those prayers related to demise of their fathers.

It is apposite to observe that where an UTP seeks temporary release for the limited purpose of attending upon his ailing mother, no justifiable ground ordinarily exists to deny such humane consideration. Nevertheless, while acceding to such a prayer, the competent authority remains fully empowered to impose such reasonable and appropriate conditions as may be necessary to secure the presence of the UTP and to obviate any possibility of abscondence or evasion of the due process of law. From meticulous perusal of the instant application and the documents annexed thereto, it is manifest that the mother of the UTP concerned is afflicted with cancer, and his presence at her bedside, being that of a son, is both natural and imperative.

It is pertinent to mention here that the concepts of bail and custody parole are distinct and operate in different legal spheres. Grant of bail results in the release of an accused from judicial custody, albeit subject to conditions and the control of the Court through sureties. Custody parole, on the other hand, contemplates a temporary release from incarceration owing to an emergent personal exigency, wherein custody, in its legal sense, continues and the prisoner remains under the escort and supervision of the prison authorities.

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Upon careful perusal of the materials on record and the documents produced by the under-trial prisoner, it stands prima facie established that he is the son of Navin Kumar Choudhary of village Rajawara, P.O.- Chakpahar, P.S. - Tajpur, District - Samastipur, State - Bihar. It further transpires that Anita Choudhary, the wife of Navin Kumar Choudhary and mother of the said UTP, is presently suffering from cancer and is undergoing continuous medical treatment. The medical reports and discharge summaries placed on record pertain to the period from December, 2025 to January, 2026 and are of recent origin. The documents disclose that she has been diagnosed with metastatic carcinoma of the gall bladder, with total bilirubin recorded at 5.58 as on 03.01.2026, and that she is presently undergoing chemotherapy at the Magadh Cancer Centre, Bailey Road, Patna.

In view of the present facts and circumstances, coupled with the gravity of the medical condition of the mother of the accused Chandan Kr. Choudhary, this Court is of the considered opinion that the prayer made by the said UTP merits acceptance.

Accordingly, the petition dated today filed by the accused UTP namely Chandan Kumar Choudhary is allowed for a period of 5 (five) days.

The UTP Chandan Kumar Choudhary, detained at Howrah District Correctional Home, is hereby granted permission for visiting his ailing mother namely Anita Choudhary at village - Rajawara, P.O.- Chakpahar, P.S. - Tajpur, District - Samastipur, State of Bihar. The UTP shall be precluded from leaving the jurisdiction of P.S. - Tajpur during such period of his temporary release.

The Superintendent, Howrah District Correctional Home, shall provide the requisite police escort to the said accused/UTP, Chandan Kumar Choudhary, only upon being satisfied regarding the arrangement of appropriate vehicular transport. Such escort shall be provided strictly for the limited purpose as prayed for by the UTP. The said UTP, Chandan Kumar Choudhary, shall be taken solely to the place, as mentioned hereinabove, for visiting his ailing mother, under continuous police escort.

During the period of the aforesaid temporary release, the Superintendent of Howrah District Correctional Home shall be at liberty to impose reasonable restrictions on the movement of the aforesaid accused/UTP and shall ensure that he is duly returned to the said correctional home immediately upon the expiry of the said period. It is further directed that no charge of any kind shall be levied upon the accused/UTP by any Government official in connection with the provision of police escort during such temporary release.

Also, the concerned UTP is directed to abide by all conditions prescribed under the Jail Code.

Let copies of this order be sent to the I.G. (Prison) and to the Superintendent of Howrah District Correctional Home for their information and necessary action.

Fixing **14-01-2026** for report from the Superintendent, Howrah District Correctional Home in this regard.

Also, to date, i.e., **12-02-2026** for production and further evidence.

Accused persons in J/C as before.

Prosecution to ensure that witness(s) is/are present on the next date fixed and take necessary steps in this regard.

Dictated & corrected by me;

Sd/-

ASJ

Sd/-

Additional Sessions Judge,
4th Court, Howrah.