

Special Case No. 22 of 2023

Order No. 15, dated 21.09.2023.

Accused Sushil Kr. Barman is produced from PC along with a prayer for taking him into JC. Medical documents and seizure list are filed which be kept with the record. He is taken into JC.

Bail petition is filed on behalf of the accused person and the same is taken up for hearing.

Ld. P.P. and the Ld. Defence Counsel, both are present.

It is submitted by the Ld. Defence Counsel that the accused was taken to PC and today the accused is produced before the Court from PC with a prayer for JC but from the forwarding report and seizure list, it appears that nothing was recovered from the possession of the accused. Thus, he prays for bail. He also submits that other accused persons are on bail and the present accused stands also on the same footing.

Ld. P.P., on the other hand, vehemently opposes the prayer for bail contending inter-alia that the present accused, being the Assistant Inspector of School of Jangipur Sub-division, is the custodian of all the salary related papers and files of the principal accused Animesh Tiwary. It is submitted that the present accused is deliberately not handing over the said files and documents and accordingly for the purpose of investigation further detention of the accused person in JC is required.

Having heard the submission of both the sides and on going through the CD and the materials on record, it appears that the co-accused persons were granted bail after submission of charge sheet. But thereafter further investigation is going on u/S. 173 (8) of the Cr.P.C. and the supplementary charge sheet will be submitted in due course. The present accused was arrested and produced before the court on 18.09.23. The present accused is not on the same footing along with the bailed out accused persons who were granted bail after submission of charge sheet. He is a public servant holding responsible post of the Government. However, considering the prima facie materials against the present accused and that further investigation is going on and keeping in view that the documents relating to salary disbursement of Animesh Tiwary are yet to be recovered as well as the fact that if the accused will be granted bail there will be chance of tampering evidence, I am not inclined to allow the prayer for bail. Thus, the bail prayer stands rejected.

To date (26.09.23) for production from JC.

Return CD.

Dictated and corrected by me,

Judge.
(J.O. Code WB 00687)

ADJ, 2nd Court, Cum,
Judge, Special Court,
Berhampore, Murshidabad.
(J.O. Code WB 00687)