

Special Case No. 22/2023

Order No. 9 dated 21.08.2023

Today is fixed for hearing bail petition dated 28.07.2023 made on behalf of the accused person, namely, Animesh Tiwari.

Ld. Defence Counsel and Id. Special PP both are present.

At this stage, one petition is filed by the IO Ashim Mondal, Inspector of Police, CID, West Bengal, praying for custodial interrogation of the accused in correctional home. Another petition is filed praying for taking specimen signature of accused Animesh Tiwari.

All the petitions are taken up for hearing simultaneously.

Ld. Defence Counsel prays for bail on the ground that investigation has been closed and charge sheet has been submitted. He further submitted that Ashis Tiwari i.e. the father of the accused is on bail and on that score too the accused deserves bail.

Ld. Special PP on the contrary strongly opposes the prayer for bail submitting that the investigation is going on and such submission is corroborated by Inspector Abhijit Biswas claiming to be a member of SIT.

Having heard the submission of both the sides and on going through the materials on record, it appears that the instant case was started against the present accused and others under the order of the Hon'ble High Court, Calcutta, passed in WPA 24451 of 2022. The allegation against the present accused is that he in collusion with his father got appointment as Assistant Teacher by using forged document with the help of official staff of DI, School (SE), WBSE, Berhampore, Murshidabad. The police initially was not successful to apprehend the present accused and in the charge sheet so filed before this court, there is prayer for further investigation u/s 173(8) of the Cr.P.C. There is also some prayer from the side of the prosecution as aforesaid.

Considering the nature and gravity of offence and stage of investigation, I am not inclined the prayer for bail at this stage. Thus, the bail prayer stands rejected.

So far the prayers of the prosecution is concerned, I am very astonished to consider that the IO, namely, Inspector Ashim Mondal is not present before the court today. It may be that he is busy in some other work, however, his representative, namely, Inspector Abhijit Biswas claiming himself a member of SIT unfortunately has no knowledge regarding the development of investigation. It is very unfortunate to note that the prosecution is not able to find out the documents in the CD which were stated to be recovered during the PC period of the accused Animesh Tiwari stated to be by his own handwriting and signature. However, the accused Animesh Tiwari is to be produced before this court on **29.08.2023** for giving his specimen signature as per prayer of prosecution. The IO Ashim Mondal must be present on that day with the CD to justify their claim of recovery of some documents as mentioned in the petition filed today.

The prayer for interrogation of accused in J/C as made by prosecution stands allowed for one day i.e. **25.08.2023** in presence of Id. Advocate of the accused person.

Contd...P/2

Order No. 9 dated 21.08.2023 (Contd.)

To date for production.

CD be returned.

Let a copy of this order be sent to Supdt. BCCH, Berhampore, Murshidabad for information and taking necessary action.

Let a copy of this order be also supplied to the IO for information and compliance.

Dictated & Corrected
by me

Judge

Additional District & Sessions Judge, 2nd Court,
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Judge, Special Court, Berhampore,
Murshidabad.
(JO Code. WB00687)