

SC Case No.100 of 2025(WBNP060006822025)

Order No.08

Date : 07/07/2025

All ten accused persons are produced from the Judicial Custody from the correctional Home. Fresh Vakalatnama filed on behalf of the accused Arindam Biswas, Debabrata Mondal, Nabin Biswas, Uday Biswas, Subrata Mondal.

One bail application filed on behalf of the accused Subrata Bala @ Partha. Ld. Advocate for the accused submitted that the IO has not arrested the prime accused in this case for reason best known to the IO and he arrested the innocent accused. He said that accused are already in judicial Custody for long and if bail is granted, they will fully co-operate in trial. He said that it may takes time to conclude the trial of the case and therefore bail may be granted on any condition. Ld. Spl. PP oppose the bail petition strongly and submitted that previously the bail application has been rejected by the court. He further submitted that bail application is also rejected by the Hon'ble High Court of other accused and if bail is granted trial will be delayed.

Thus, considering all aspect it appears to me that this court already rejected the bail application of the accused previously and the detail ground also mentioned therein. Today is fixed for framing of charge and if bail is granted trial may be delayed and justice may be frustrated. Furthermore, the alleged amount of fraud is huge around 350 crores. In this situation considering the gravity of the alleged offence and materials in the case record, I don't see any justification for granting bail to the accused at this stage. So, bail prayer accused Subrata Bala @ Partha is considered and rejected.

One prayer for discharge filed by the accused Subrata Mondal and Debabrata Mondal. Ld. Advocate for the accused submitted that accused is in JC for long period of time and There is no materials against the accused for framing of charge. He said that prosecution didn't impose the most relevent sections of I.T. Act. There is nothing substantial against the accused under BNS. So the accused are entitled to be discharged from this case.

In reply ld. Spl. PP submitted that prescribed period of time for filling discharge prayer has already been over and the prayer is time barred **u.s 250(1) of BNS** and liable to be rejected. He said that previously discharged prayer of other accused has been rejected by the court and elaborate discussion was made and this accused are no exception and their prayer for discharge may be rejected for the same ground as rejected by the court earlier.

Thus, considering all aspect I am of the view statutory period for discharge prayer has already been over and this court can't allow the said prayer superseding the statute. More over the allegation is very serious and there are sufficient materials against the accused persons in this case record for framing of charge. So, discharge prayer is considered and rejected.

At this stage BC-I brought to my notice regarding one application filed by IC Cyber Crime PS : Cyberabad for giving direction to the Superintendent of correctional Home Howrah for hand over the accused to the custody of the court of L.d IX AJMF Court Katatpally, Cyberabad Telengana. None moved for the

petition. Ld. Spl. PP submitted that, if necessary, the concerned court can directly send the production warrant to the correctional Home. Anyway, since no body moved the prayer today, the petition can't be granted. More over Ld. Spl. P.P rightly said that the concerned court can send production warrant directly to the correctional home. There is no bar in it. This Court is not dealing with the case pending at Cyber Crime PS Cyberabad and therefore the question for giving direction to send the accused to the Ld. court of Telangana doesn't arises at all.

The petition is thus disposed of accordingly.

Thereafter case record is taken up for framing of charge. Heard Both ld. Spl PP and all Ld. defence Advocates on record. Thus, considering all aspect I am of the view that prosecution has *prima facie* made out case **U/S. 319(2)/318(4)/336(2)/341(2)/339/338/317(4)/317(5)/ 61(2)/ read with section 3(5) of BNS**. Accordingly charge in prescribed format is framed today and thereafter the framed charge is read over and explained to all the accused persons and on being asked they all pleaded no guilty by saying "**AMI NORDOSHI**" and claimed trial. So let a date be fixed for evidence. Superintendent corerectional Home is to produce the accused before this court either physicaly or through VC mode as convenient.

To 30/07/2025 for evidence of CSW 1(Chief)

To 31/07/2025 for Evidence of CSW No.1(Cross examination by defence)

Additional District & Sessions
Judge, Fast Track Court-II,
Bongaon, District- North-24-
Parganas