

In the Court of Additional District & Sessions Judge  
01<sup>st</sup> Court, Alipore, South 24 Parganas

**ST-02 (01) 2025**

**SC-11 (05) 2024**

**R-197/2024**

**CNR No: WBSP01-005977-2024**

Present: Rajesh Chakraborty [J.O Code: WB00764]  
Additional District & Sessions Judge,  
01<sup>st</sup> Court, Alipore, South 24 parganas.

Order No.14, dated 04.09.2025

Today is fixed for production of accused persons and further examination of PW-3.

Accused persons namely **1) Souvik Dasmal @ Sunny @ Akash, 3) Ayan Das @ Rohit Roy, 5) Sushmita Biswas, 6) Biswajit Das @ Bapi Pal, 7) Sukhdeb Sukumar Sutradhar, 8) Bablu Biswas and 9) Monali Chakraborty** are produced from J/C. They are taken into judicial custody and remanded to J.C till date.

Accused **4) Susanta Mondol @ Gera**, on bail is present by filing hazira.

Witness namely Subhojit Mondal (PW-3) is present.

On call Ld. Advocate for the accused persons as well as the Ld P.P-in-charge for this case are found to be present.

PW-3, Subhojit Mondal is further examined by learned P.P-in-charge in part. At this stage on prayer of learned P.P-in-charge further examination of PW-3 is deferred till next date.

At this stage a bail application is filed on behalf of accused Monali Chakraborty.

Heard the learned advocate appearing on behalf of the accused lady Monali and the learned Public Prosecutor representing the State.

It has been submitted on behalf of the accused that she has been languishing in judicial custody since 28.02.2024 and that despite considerable lapse of time the complicity of the said lady accused has not been substantiated in the evidence adduced till date. It is urged that another co-accused, who was also charge-sheeted, has been granted bail by the Hon'ble High Court at Calcutta on 25.08.2025 on the ground of lack of complicity, and therefore the present accused is entitled to the same treatment as she stands on a similar footing.

The learned Public Prosecutor, however, has raised vehement objection to such prayer. It is argued that the involvement of this lady accused is clearly manifest from the materials already available in the case record as well as from the deposition of prosecution witnesses examined up to this stage. It is further contended that after the incident she was apprehended from Lataguri, which reflects her tendency to evade the process of law.

I have carefully perused the case diary and other connected documents on record. On consideration, it appears that incriminating material pointing to the complicity of this accused lady has already surfaced in the course of trial. The evidence recorded thus far and the documents forming part of the charge-sheet show that she had a significant role in the conspiracy that culminated in the crime alleged. At this stage, when material witnesses are yet to be examined and the prosecution evidence is in progress, enlarging the accused on bail is likely to imperil the fair conduct of the trial. There is also a reasonable apprehension of her absconding or otherwise tampering with evidence if she is released.

The plea of parity with the co-accused who has been granted bail by the Hon'ble High Court does not enure to her benefit, since the parameters and factual assessment made in respect of that accused cannot automatically be applied to this accused in view of the distinct evidence pointing to her specific role. The Hon'ble Supreme Court in *Nimmagadda Prasad v. CBI*, (2013) 7 SCC 466 has held that while considering bail in serious economic and conspiracy offences, the Court must look at the role of the particular accused and not

*Contd...*

**ST-02 (01) 2025**

**Contd....Order No.13, dated 04.09.2025**

merely the general similarity of allegations. Likewise, in *Kalyan Chandra Sarkar v. Rajesh Ranjan @ Pappu Yadav*, (2005) 2 SCC 42, it has been reiterated that parity cannot be claimed as a matter of right where the role of each accused is distinguishable and where the gravity of accusations demand individualised consideration.

It is well settled that while liberty of the individual is a cherished right, it has to be balanced with the interest of society and the administration of justice. In *State of U.P. v. Amarmani Tripathi*, (2005) 8 SCC 21, the Supreme Court held that where there is prima facie evidence of involvement of an accused in a heinous crime, bail should ordinarily be refused to ensure a fair trial. Similarly, in *Masroor v. State of Uttar Pradesh*, (2009) 14 SCC 286, the Apex Court emphasized that in conspiracy cases, even peripheral roles, if supported by prima facie material, are sufficient to deny bail.

The Hon'ble Calcutta High Court has also consistently observed that in cases of grave offences involving conspiracy and violence, the Court must adopt a cautious approach and should not enlarge the accused on bail merely on the ground of prolonged custody if the trial is actively progressing and complicity appears from the record [see *State of West Bengal v. Afsar Ali*, 2012 (2) CHN (Cal) 349].

In the present case, considering the nature and gravity of the offence under trial, the stage of the proceedings, the incriminating role attributed to this accused in the conspiracy, and the apprehension of her fleeing from justice if released, I am of the view that no case for bail is made out. The judicial conscience of this Court does not permit grant of bail to an accused whose involvement in the commission of the offence appears so manifest from the case diary and evidence recorded.

Accordingly, the prayer for bail of accused Monali Chakraborty stands rejected.

Fix 25.09.2025 for production of accused persons physically and further examination of PW-3.

Prosecution to take steps for production of the witness and alamats, if any, on the date fixed.

Typed to the dictation directly;  
corrected on the system.

Sd/- Rajesh Chakraborty  
Additional District and Sessions Judge,  
01<sup>st</sup> Court, Alipore, South 24 Parganas.

Sd/- Rajesh Chakraborty  
Additional District and Sessions Judge,  
01<sup>st</sup> Court, Alipore, South 24 Parganas.