

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

Present: Subhra Som Ghosal

J.O Code: WB00984

**Sessions Case No: 11 (05) of 2024**



**Order No. 09, dated: 11-07-2024.**

As stipulated by the previous order today is fixed for production, hearing of the bail petition filed by the accused person namely Biswajit Das.

A Medical report duly forwarded by the Superintendent of Presidency Correctional Home, has been submitted by the Medical Officer of Presidency Correctional Home. Let it be kept with the case record.

On call the Ld. Advocates for the accused person as well as the Ld. Special Public Prosecutors-in-charge are found to be present. The Ld. Advocate for the de facto complainant was also present.

The investigating officer is present with the CD.

Much was argued on the ill health of the accused person and relying on this aspect the Ld. Advocates for the accused person prayed for bail of the accused person. It was argued that the accused person has suffered dislocation of the pelvis, and he cannot stand on his own. Maintaining on this it was argued that unless and until the accused person is granted bail his daily sustenance will become impossible.

The prayer for bail was vehemently opposed by the Ld. Special Public Prosecutors-in-charge. The Ld. Advocate for the de facto complainant also opposed the bail prayer.

I have perused the medical report received from the Superintendent of Presidency Correctional Home.

Definitely the accused person is having some ailments. He is being treated at the PCH Hospital. It was argued that the accused person has suffered dislocation of hip joint but I am not convinced to accept such contention and the medical documents suggest that has a history of hip joint dislocation several years back and such ailment is not compelling enough to enlarge the accused person on bail on this ground.

In this context it is required to be mentioned that such a condition alone cannot be a ground for granting bail. Definitely this Court is duty-bound to bear in mind that the delicate health conditions as put forth but this ground is not potential enough to pave the route for bail to the accused person, especially when necessary steps are being taken by the Jail authorities to safeguard the same while he is in custody. Much was argued that bail is required to be given so that the accused person can be treated properly.

It has transpired that the accused person is being treated at SSKM Hospital which is a renowned institution in our State. Definitely this Court will direct necessary treatment of the accused person as permissible by the Jail Code, but neither ground of ailment is compelling enough to release the accused person on bail nor it the concerned authorities can be nailed to fixed modalities stipulated for ensuring proper treatment. This Court would interfere only when such authorities fail to adopt necessary measures. In absence of any materials to suggest dereliction of the part of the Jail authorities, this Court is not in favour of stipulating in advance modalities to be followed by the authorities for that purpose and/or enlarge the accused person on bail on that solitary ground.

Hence based on the ratiocination adhered to the above; rejection of the bail prayer is the most justified conclusion that this court can adhere to at this stage.

Thus, based on the above delineations adhered to above, I have no dichotomy to conclude that there being no compelling change in circumstances, the bail prayer of the accused person is liable to be rejected and hence it is rejected.

The accused person be remanded to J/C and be produced on the date fixed.

The Superintendent of Presidency Correctional Home is directed to ensure proper and adequate treatment of accused Biswajit Das.

To date i.e 15-07-2024 for hearing of the bail petition in respect of the other accused persons.

Return CD. Call for CD.

A copy of this order in PDF/PDFA format be uploaded to the server following the modalities of Cr.R.O of the Hon'ble High Court [since amended by Notification dated 15-01-2015].

Typed to the dictation directly;  
corrected on the system.

Sd/-Subhra Som Ghosal  
Additional District and Sessions Judge, Additional District and Sessions Judge,  
01<sup>st</sup> Court, Alipore, South 24 parganas.      Sd/-Subhra Som Ghosal  
01<sup>st</sup> Court, Alipore, South 24 parganas.