

Special Case no. 45 of 2022

CNR-WBSP01-011354-2022

Order No. 10 dated 28.11.2022

Record is put up by a petition.

Along with the said petition another petition is filed from the end of the accused/petitioners, namely, **Subhrangshu Kamar @ Babu Sona and Tinku Golder**, praying for the relief of bail on the ground that the charge-sheet in the present case has not yet been submitted by the I.O. and the accused/petitioners are languishing in custody for about **171 days**.

Both the Ld. P.P.-in-Charge and the Ld. Advocate are present.

Heard both sides.

It is submitted from the end of the accused/petitioners that both the accused/petitioners were shown arrest in this case by the order of the Ld. A.C.J.M. Kakdwip on 11.06.222 and since then both the accused persons are in custody.

As per the Ld. Advocate for the accused/petitioners, subsequently provision of special statutes ere inserted in the present case and the case record has been transferred before this Ld. Special Court. It is the submission from the end of the accused/petitioners that the provision of Section 21 of the W.B.P.I.D.F.E. Act, 2013 stipulates that the provisions of the Code of Criminal Procedure will apply to the exercise of the powers of the designated Special Court with respect to offences alleged to be covered under the said Act.

In the light of these aforesaid submissions, Ld. Advocate for the accused/petitioners emphatically points out that the provision of Section 167(2) of Cr.P.C. bestowed the right upon the accused/petitioners to be enlarged on bail as because the charge-sheet has not yet been submitted and the accused persons are in custody for more than 90 days from the date of their arrest.

Ld. P.P.-in-Charge formally objects to the prayer for bail as made from the end of the accused/petitioners. On query by this bench, in course of hearing, Ld. P.P.-in-Charge gathered information through a telephonic conversations with the I.O. and intimated the information gathered from the I.O. that charge-sheet has not yet been submitted in the present case.

After taking into consideration, the submissions made from both sides and on perusal of the materials in the case record, I find that both the accused/petitioners were shown arrest on 11.06.222 by the order of the Ld. A.C.J.M. Kakdwip and since then, the accused/petitioners are in custody.

From the case record nothing is revealed also to point out that at any point of time, the prayer for bail of the self-same accused/petitioners was rejected by the Hon'ble Court.

Taking consideration of these aspects, I am inclined to allow the prayer for bail of the accused/petitioners in view of the fact that

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since more than 90 days, the accused/petitioners are in custody and charge-sheet has not yet been submitted in this case.

The relief of bail is granted to the accused/petitioners by way of invoking the powers granted to the Ld. Court under the relevant provision of Section 167 of Cr.P.C. which comes into application in the present case through the provision of Section 21 of the W.B.P.I.D.F.E. Act.

*Both the accused/petitioners may find bail of **Rs.25,000/-** each with two sureties of **Rs.12,500/-** each to whom **one must be local** subject to the satisfaction of Ld. C.J.M. Alipore i.d. C/H on condition that he shall not cause any disturbance to the complainant and shall not intimidate the witnesses and/or tamper with the evidence and shall meet the I.O. and render the necessary assistance to the I.O. for the sake of investigation whenever called for. It is also directed that the accused/petitioners shall not leave the jurisdiction of the local P.S. being H.P. Costal P.S. under Kakdwip Sub-Division without permission or leave of the Ld. Court. The State will be at liberty to pray for cancellation of bail, if such conditions are not complied with by the accused/petitioners.*

To date (01.12.2022) for production, appearance and I.O. report.

Let a copy of this order be sent to the Ld. C.J.M. Alipore for information and taking necessary action.

Office is directed to hand over the signed copy to the IO.

D/C by me.

Sd/-PP Chakravorty

*Designated Judge
U/W.B.P.I.D.F.E. Act.
A.S.J. 3rd Court, Alipore
(J.O. WB1277)*

Sd/-PP Chakravorty

*Designated Judge
U/W.B.P.I.D.F.E. Act.
A.S.J. 3rd Court, Alipore*

