

In the Court of Judge, Special Court & 2nd Addl. Sessions Judge, Alipore

Special ST No. 04(09)2016

Special Case No. 175/2016

CNR – WBSP01-019299-2016

Present :Sudipta Bhattacharjee (JO Code - WB00794)
Judge, Special Court & 2nd A.S.J.,
Alipore, South 24-Parganas.

Order No.88

Dt. 21.08.2024

The case record is put up on the prayer of the accused **Ispinder Molla**, who filed a bail petition.

A report is received from the Superintendent, Baruipur Central Correctional Home dated 20-08-2024.

From the report it appears that the accused **Ispinder Molla**, son of Noor Hossain Molla now detained at Baruipur Central Correctional Home is not in the list of terminally ill, as furnished by Dr. Samrat Chatterjee, Medical Officer of Baruipur Central Correctional Home, South 24-Parganas. A medical report is also annexed with the said report.

It appears from the Medical Report that the accused Ispinder Molla appeared before the Medical Board, conducted by the department of cardiology, Neuro-Medicine & General Medicine, C.N.M.C.H. on 19-08-2024 and the Medical Board confirmed that no cardiological complain was present at the time of examination of the accused Ispinder Molla and he was advised to continue all previous medicines and to plan 2D Echo dropler. On examination, doctor did not find any cardiac problem and doctor noted BPHG and found no abnormal heart sound.

Sri Subhas Chandra Marik, Ld. Advocate appointed through LADCS for the accused has further submitted that a Writ Petition was filed before the Hon'ble High Court, Calcutta vide W.P.A.(P)27 of 2021 + CAN 1 of 2023 in CRM(NDPS) 48 of 2023 with CRM(NDPS) 52 of 2023 with CRR 798 of 2023 with CRR 799 of 2023 with W.P.A. 26371 of 2017, CAN 3 of 2024, CAN 4 of 2024 with W.P.A. 4510 of 1997 with W.P.A. 5440 of 2020, CAN 1 of 2020 (old CAN 3147 of 2020) with W.P.A. 7252 of 2018 with W.P.A. 8573 of 2018 and 'list of Terminally Ill Prisoners in Correctional Homes as on 08-03-2024' is also annexed with the said order. Thus, he prayed for bail of the accused person.

I have perused the order wherefrom it appears that the name of the present accused has been transpired as terminally ill prisoner, detained in the Correctional Home. But from the report submitted by the Superintendent, Baruipur Central Correctional Home, South 24-Parganas that the accused Ispinder Molla is not in the list of terminally ill person, as furnished by doctor Samrat Chatterjee, Medical Officer of Baruipur Central Correctional Home, South 24-Parganas. It appears that though the name of the accused Ispinder Molla was listed in the above mentioned writ petitions as terminally ill person, but the report of the Superintendent, Baruipur Central Correctional Home, South 24-Parganas, supported by the Dr. Samrat Chatterjee, Medical Officer of Baruipur Central Correctional Home, South 24-Parganas is contradictory.

I have perused the entire report including the case record of the case as well as the order of the Hon'ble Court. Ld. Special P.P. in-charge did not make any satisfactory answer as to why such contradiction as to the name transpired in the list of terminally ill person in the list of High Court in the said petition and the present report dated 20-08-2024 submitted by the Superintendent, Baruipur Central Correctional Home, South 24-Parganas was happened.

It clearly appears that the accused Ispinder Molla is not a terminally ill person. There are serious allegation against him. Many witnesses have lready been examined. The next date of examination of charge sheeted witness is fixed on 24-09-2024. Considering all these facts and circumstances, I am not inclined to enlarge the accused person on bail.

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Contd. Order No.88 dt. 21.08.2024

Hence, the prayer for bail for the accused is considered and rejected.

To date (24-09-2024) for production and evidence.

D/c by me.

Sd/-

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Judge, Special Court &
2nd A.S.J., Alipore

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2nd A.S.J., Alipore.