

Present : Smt. Kumkum Singha, Judge

Order No. 07 dated 10/09/2025

Today is fixed for production, appearance, IO's report, supply of copy, necessary order and also submission regarding admission of documents of prosecution by the defence.

Out of total eleven accused persons, two accused namely Palash Biswas @ Chayan Barua and Bubai Dalui @ Md. Milon in J/C are produced virtually at 12 O'clock at noon from Presidency Correctional Home. Warrant of custody are produced physically. Rest nine accused persons on C.B. are present by filing respective haziras.

Ld. PP(Jr.) Lina Sarkar is present.

The copy is ready today and supplied to the Ld. Counsel of accused Bubai Dalui. Today Ld. Advocate Saikat Rakshit appears on behalf of the accused in custody Bubai Dalui as appointed from Legal Aid Defence Counsel System, South 24-Parganas, instead of previous Advocate Jayanta Purokait. The copy is thus received by him.

For other accused in custody Palash Biswas, one bail petition is filed by his Ld. Advocate. The bail petition is heard from both sides. It is submitted by Ld. Defence counsel that as per Gazette Notification dtd. 1<sup>st</sup> September, 2025 by Ministry of Home Affairs, Government of India, 'that a person belonging to a minority community in Afghanistan, Bangladesh..... namely Hindu.... who were compelled to seek centre in India due to religious persecution ..... entered into India on or before 31.12.2024, without valid documents or with valid documents after expiry' should not be treated as foreigner and in view of said notification this accused person should not be treated as foreigner and for that reason his bail prayer should not be rejected. It is further submitted that the persons involved in this case regarding in manipulation of documents in question are already on bail whereas this accused only on reason of foreign national his bail petition has been rejected by this court. Thus, in this prevailing circumstance there is no bar to enlarge him on bail.

Ld. PP raises strong objection against such petition drawing my attention to the involvement of this accused person using forged documents for the purpose of preparation of passport as an Indian citizen. It is submitted that the trial of this case has not been initiated till date and thus enlargement of this accused at this stage surely will cause serious prejudice to the prosecution case in trial and so that petition should be rejected.

Consider the submission of both sides. I have gone through the gazette notification. I find that is published only to save the people of minority community due to religious resurgence in the countries named therein. From the available record in C.D. I find this accused entered India not in such type of situation or circumstance and so in my opinion there is no space to consider him as not a foreign national at this stage of this case. Then also considering the nature and gravity of this case I do not feel it judicious to allow him on bail and accordingly the bail prayer is rejected on contest.

Another petition is filed by put up on behalf of other accused Manoj Gupta on 03.09.2025 which was kept for hearing on today. That petition is also taken into consideration. It is heard from both sides. It is submitted by Ld. Counsel of accused Manoj Gupta that by order dtd. 19.03.2025 by

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Order No. 07 (contd..) dated 10/09/2025

Ld. CJM, Alipore, after submission of charge-sheet this accused was enlarged on bail with a condition not to leave the state without prior permission of the court. After appearing before this Special Court by order the same bail order was continued. So, there is still restriction on his free movement as per order of the court as a condition of the bail of that accused. The accused is now willing to visit Europe with a short time visa with stay permission of 8 days from 16.09.2025 to 24.09.2025 along with his family members. The relevant documents like copy of Visa and tickets are attached herewith. It is further submitted that the investigation regarding his involvement is already completed and he is very much cooperative to the investigating agency for further investigation also. There is no chance of abscondance taking such advantage. Furthermore he is ready to submit undertaking to appear before this court just on the next date of his return from the journey.

Ld. PP raises strong objection against such petition. It is submitted that said accused is the travel agent and there is every chance that by taking this advantage he will abscond. Thus, the prayer should not be allowed.

Considering the submission of both sides I am of opinion that for the purpose of investigation and trial though the court have to pass from time to time sudden restriction and reservation on the free movement of the accused persons as a condition of bail, yet, if it is not evident from the conduct of the accused further that there is huge chance of abscondance, the conditions already imposed can be relaxed from time to time on certain humanitarian ground. This accused is under trial prisoner and he is on bail. He is not found guilty in this case. Thus, in my opinion the condition imposed can be relaxed when the person is willing to visit in a short trip with his family and in that case he have to submit one undertaking that he will surely attend this court on 25-09-2025 after arrival from his trip. Thus, the said petition is allowed on contest with the condition as mentioned.

Another petition is filed by the Ld. Advocate of the accused Tarak Nath Sen for return of certain materials seized by police. One petition filed on behalf of other accused Samaresh Biswas praying for necessary order as to defreeze the A/c of SBI being no. 35243841222 lying in the name of Samaresh Biswas. Report is called from the I.O. in reference to those two petitions.

It is transpired from the record that the charge-sheet has been submitted against 130 accused persons. Out of which only 11 are facing the trial. Rest (119) accused persons according to charge-sheet are shown as absconders. Issue notice against them.

To fix 25-09-2025 for virtual production of two accused persons and appearance of accused Manoj Gupta and report from I.O. and necessary order. To fix 08-12-2025 for S/R, appearance, production and necessary order.

Let copies of the order are to be sent to the Superintendent of Presidency Correctional Home, Alipore and I.O. of this case for necessary compliance.

Dictated & corrected by me  
Sd/-  
Judge

Sd/-  
Judge(WB-00712)  
24-Parganas 1<sup>st</sup> Special Court, Alipore.