

TR Case No.07/2024
CNR No.WBUD01-003457-2024
J.O. Code No.WB01014

Order No.2
18.09.2024

As per the order no.30 dated 10.09.2024 (Later portion), passed by the Addl. District & Sessions Judge, FTC 1st Court, Islampur, U/D, the accused Abdur Rashid, S/O Nur Md, who is in custody in c/w Karandighi PS Case No.324/2021 dated 09.07.2021 is produced before this court.

In compliance with the said order the accused Saha Alam @ Abdus Salam and Md. Faijul Rahaman are also produced today before this court.

The IO of this case Sri M.M. Saha made a prayer for shown arrest of the accused Abdur Rashid which is taken up for consideration.

The IO, Inspector M. M. Saha is present along with CD.

Hd the Ld P P.

It is available from the materials in CD that this accused person had confessed about his involvement in this case during PC period of the Karandighi PS Case No.324/2021 dated 09.07.2021, during interrogation and as per the IO to nab the other associates, involved in this case, this accused should be arrested in this case.

Considering such factual aspects and on perusal of the CD and also comparing the same with the case record, for the interest of investigation of this case, the prayer of shown arrest of Abdur Rashid is allowed.

Let the accused Abdur Rashid be implicated as accused in the instant case.

Judge Special Court (NDPS)
ch.,
Raiganj, Uttar Dinajpur

Judge Special Court (NDPS) in-
Raiganj, Uttar Dinajpur

Later
18.09.2024

At this stage bail petitions are filed for 1. Abdur Rashid along with Vokatnama, 2. Saha Alam @ Abdur Salam with Vokatnama and Md. Faijul Rahaman along with Vokatnama.

Copies are served. Objection raised by the Ld. PP.

The IO filed the objection regarding bail prayer of all the above named accused on the grounds that the accused are habitual offender and if they are granted bail at this juncture of investigation, the investigation will be hampered and there are high chance of their absconson.

Ld. Counsels of both sides are present.

Ld. Lawyer for accused namely Abdur Rashid submitted that the accused person is innocent and he has been falsely implicated in this case. Ld. Counsel further submitted that the name of his client was not in the FIR and there is no material in the case record against his client regarding his involvement in the alleged offence. Accordingly, he prays for releasing the accused person on bail on any condition or conditions.

Ld. PP in charge opposes the prayer for bail.

Perused the case record and CD.

On perusal of the case record, it appears to me that this is a case u/ss. 420/406/468/471/120B IPC and adding Sec.413 IPC, 66D of I.T Act and 409 IPC where the accused persons had fraudulently transferred crores of money in their accounts by adopting swindling tactics. It further reveals that initially CS was submitted against four accused persons but subsequently, supplementary CS was submitted against two other accused who were not FIR named. The CD makes it clear that the present accused is not FIR named but prima facie, his involvement in the alleged offence is reflected from his statement, made during interrogation of Karandighi PS Case No.324/2021 dated 09.07.2021 and in my opinion for the interest of investigation of this case, further detention of this accused is very much required.

Accordingly, bail prayer of accused person namely Abdur Rashid is considered and rejected for the sake of fruitful investigation.

Contd....

The IO is present and prayed for permitting him to take the accused person in police custody for 5 days for the purpose of effective investigation and also to recover the defrauded government money, detect other associates and chain of this crime. It was duly forwarded and recommended by Dy. SP, CID Malda.

I have examined the CD. It appears to me that this accused is produced before the Court today and is implicated in this case after shown arrest. Hence, in my opinion granting the prayer for police custody is necessary to trace out and bursting out the involved miscreants and to recover the defrauded money and also for the interest of investigation.

In view of above, the prayer for police custody of this accused person namely Abdur Rashid is hereby allowed for 5 days.

IO is permitted to take the accused person namely, Abdur Rashid in police custody for 5 days i.e. for 18.09.2024 to 23.09.2024. IO is directed to strictly follow the guidelines as given by the Hon'ble Apex Court while the accused person will be in police custody. He is further directed to get the accused person examined medically on every interval of 24 hrs and to produce him before this Court on 23.09.2024 at 01:00 p.m.

Let a copy of the order be supplied to the IO in open Court for strict compliance.

Later

18.09.2024

Accused Saha Alam @ Abdus Salam and Md. Faijul Rahaman are produced from JC and remanded to J/C.

Ld. Lawyers for both these accused filed separate petitions for bail on behalf of their clients. Copy served.

Ld. PP in charge is present.

Heard both sides.

Perused the case record.

Ld. PP opposes the bail prayer.

After hearing both sides and on perusal of the case record, it appears that supplementary CS No.395/2024 dated 07.09.2024 has filed against both these accused u/s.409 of IPC along with other charges and there are sufficient incriminating materials in the CD against both these accused regarding their active involvement in the alleged offences.

In view of the aforesaid, prayer for bail of both these accused are considered and rejected.

Fix **01.10.2024** for production of both these accused.

Today is also fixed for appearance of the accused persons namely, Mahatabuddin, Haiyat Ali, Sk. Zakaria and Zane Alam.

Mahatabuddin and Haiyat Ali filed hazira along with fresh Vokalatnama.

Zane Alam also filed hazira with fresh Vokalatnama.

Ld. Advocate for Sk. Zakaria submitted that his client is in custody in connection with another case.

Seen. Let the intimation be kept with the record.

Fix **01.10.2024** for appearance for four bailed out accused.

ASJ, 1st Court,
Raiganj, Uttar Dinajpur

ASJ, 1st Court, Raiganj in-ch.,
Raiganj, Uttar Dinajpur