

22.06.2022
tkm/ct 28
sl no. 28

C.R.M. (DB) 1550 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with STF P.S. Case No. 06/2015 dated 27.2.2015 under sections 489A/120B, 489B/120B, 489C/120B of the IPC and sections 16/18 and 17/18 of the Unlawful Activities (Prevention) Act

And

In Re : Chandra Sekhar Jaiswal

..... petitioner

Mr. Deepak Prahladka

..... for the petitioner

Mr. Avishek Sinha

..... for the State

Petitioner is in custody for more than seven years and submits that he has been falsely implicated in the instant case. He was illegally detained by STF on 25.2.2015 and kept him in wrongful detention. Only on 27.2.2015 he was shown arrested and produced before the jurisdictional court. In the interregnum alleged FICNs were planted on the petitioner. Habeas corpus petition has been filed by the petitioner on such score. Recovery of so-called machinery to print counterfeit notes is not supported by independent witnesses. The said machinery is used for preparation of toy currency notes and not counterfeit notes. There is inordinate delay in conducting trial. Hence, petitioner may be released on bail.

Learned lawyer for the State opposes the prayer for bail and submits that allegation of illegal arrest and wrongful detention is an afterthought. No contemporaneous complaint was lodged by relations or associates of the petitioner alleging such fact. Large volume of FICNs were recovered from his possession. In the course of investigation, machinery to print counterfeit notes as well as other incriminating materials were recovered from the residence of

the petitioner. Prosecution has taken all steps for quick completion of trial and delay in the matter cannot be wholly attributed to it.

We have considered the materials on record. Petitioner claims to have been illegally detained on 25.2.2015 by STF officers. He was finally produced before the jurisdictional court on 27.2.2015. In the interregnum no contemporaneous complaint alleging illegal detention was submitted by any relations or associates of the petitioner. Statements of witnesses as well as contemporaneous documents prima facie show recovery of large volume of FICNs valued at Rs. 2 lakhs from the petitioner. Machinery for printing counterfeit notes and other incriminating materials have also been recovered from his residence. Hence, there are ample materials showing involvement of the petitioner in manufacturing, dealing and trafficking in fake currency notes.

We have examined the records of the trial court. Witnesses have been examined on various dates. Delay in conducting trial is not wholly attributable to the prosecution. Petitioner prayed for adjournment on same dates and delay was also caused due to absence of presiding officer and other systemic reasons. Seven witnesses have been examined as yet and prosecution proposes to examine another seven witnesses. We also note the trial court had deferred cross examination of witnesses which has caused delay. Such prayer was made at the behest of the petitioner. Deferment of cross examination of witnesses ought not to be deferred ordinarily until and unless exceptional circumstance prejudicing the trial

necessitate such procedure. We do not wish to make any further comment in the matter.

Balancing the gravity of offence and the complexity of the case against period of detention suffered by the petitioner, we are of the opinion it may not be prudent to release the petitioner on the ground of delay alone.

Accordingly, the prayer for bail is rejected.

However, being conscious of the prolonged period of his detention suffered by the petitioner, we direct the trial court to hold the trial on a day to day basis and conclude the same at an early date preferably within one year from the next date fixed for recording evidence without granting unnecessary adjournments to either of the parties.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)