

25.07.2022
cm/ct 28

C.R.M. (DB) 2398 of 2022

sl. no. 17

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with **Amherst P.S Case No. 121 of 2021** dated **24.06.2021** under Sections **467/468/471/474/419/420/170/120B** of the Indian Penal Code, 1860.

Rejected

And

In Re : Indrajit Shaw.

..... petitioner

Mr. Sekhar Kr. Basu, Sr. Adv.

Mr. Antarikhya Basu

Mr. Sayan Mukherjee

Ms. Madhumita Basak

..... for the petitioner

Mr. Rudradipta Nandy, Ld. A.P.P.

Ms. Sreeparna Das

..... for the State

Petitioner is in custody for 389 days. It is submitted that he has been falsely implicated in the instant case. He had no knowledge that the principal accused was not an employee of Calcutta Municipal Corporation and had merely introduced him to the principal of City College of which he was a former student.

Learned Additional Public Prosecutor for the State opposes the prayer for bail. He submits that petitioner had made false representations with regard to his status before the college authorities and had acted in conspiracy with the principal accused Debanjan Deb to organize fake vaccination camp in the college and other premises.

We have considered the materials on record including the statement of the principal of the college concerned. From the statement it appears petitioner had represented himself as an employee of Calcutta Municipal Corporation and induced the

college authorities to organize a fake vaccination camp. He had also participated in other similar fake camps organized by the principal accused. It is contended co-accused Ashok Kumar Roy has been granted bail by this court in CRM (DB) 1788 of 2022 in connection with another case namely Kasba P.S. Case No. 166 of 2021 dated 22.06.2021.

In this regard, Additional Public Prosecutor draws our attention to statement of one Niramay Dasgupta recorded under Section 164 Cr.P.C. in connection with Amherst P.S. Case No. 121 of 2021 dated 24.06.2021 disclosing active part of the said Ashok Kumar Roy and the petitioner in the crime.

We are surprised to note that this statement has not incorporated in the investigation of Kasba P.S. Case No. 166 of 2021 and was not placed before this court at the time of consideration of bail of co-accused Ashok Kumar Roy.

A large number of cases have been registered in connection with the conspiracy hatched by Debanjan Deb along with other accuseds including the petitioner to hold fake vaccination camps at various places in the State. These cases have been registered in separate police stations and have been investigated in an insular manner without reference to evidence collected in other cases.

We are informed a special investigating agency had been formed in the matter. But the manner in which investigation has been conducted shows vital evidence collected in one case does not find reflection in others. This persuades us to hold there was no

cooperation and exchange of evidence and intelligence between the course of investigation.

Commissioner of police, Kolkata is directed to look into the matter and ensure that the vital evidence collected in one or more cases may be utilized in all the cases during trial in accordance with law.

With these observations, the prayer for bail of the petitioner is rejected at present.

Copy of the order be sent to the Commissioner of Police, Kolkata for due compliance.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)