

25.07.2022
cm/ct 28

C.R.M. (DB) 2399 of 2022

sl. no. 18

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with **Kasba P.S Case No. 172 of 2021** dated **26.06.2021** under Sections **120B/419/420/467/468/471/170/188/276** of the Indian Penal Code, 1860 read with Section 58(1) of Disaster Management Act, 2005(corresponding to SC 23(11)21).

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. Sonali 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 representation with regard to his status and that of co-accused Debanjan Deb. Thereby, he conspired with the principal accused Debanjan Deb to organize fake vaccination camps at various places.

We have considered the materials on record including the statement of witnesses. From the materials on record in this case and other cases in conspiracy organized fake vaccination camps at various places. 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.)