

02.03.2022
Item No.05
Suman
Ct.42

(Via Video Conference)

CRM 8852 of 2021

In Re: An application for bail under Section 439 of the Code of Criminal Procedure.

And

In the matter of: **Ganesh Gharami @ Ganesh Anand Gharami @ Wahidul Ali**

Vs.

The State of West Bengal

Mr. Himanshu De, Sr. Adv.
Mr. Ansuman Bera
...for petitioner

Mr. Arijit Ganguly
Ms. Sujata Das
...for the State

Vide order dated 14th February, 2022 a report was called for from the Officer-in-Charge of Swarupnagar Police Station directing him to verify the official record and ascertain whether the PAN Card, Aadhaar Card and Voter's Identity Card submitted by the accused are genuine or not. Today the Officer-in-Charge of Swarupnagar Police Station submitted a report. On perusal of which it

is found that the name of Ganesh Gharami @ Ganesh Anand Gharami is recorded in the voter list of a legislative assembly in the State of Maharashtra. The report of the authenticity of Aadhaar Card has not been received from the Officer-in-Charge of Swarupnagar Police Station as yet.

It is pleaded in the application for bail that the petitioner's present address is at Kelvane in the district of Raigarh, Maharashtra and his permanent address is within P.S. Daspur in the district of Paschim Medinipur. The Voter's Identity card of the petitioner stands in respect of Daspur Assembly Constituency but his name was enrolled in respect of an assembly constituency in Maharashtra. No voter list of Daspur Assembly Constituency is filed by the petitioner to show that he is a bona fide voter of Daspur Assembly Constituency. The petitioner has also filed copies of Aadhaar Card and PAN Card. The final report of authenticity of Aadhaar Card and PAN Card has not been received by the Court in spite of repeated reminders.

The prosecution is claiming that the identity of the petitioner is Wahidul Ali, a Bangladeshi National. Except the said allegation, the Investigating Officer has also failed to produce any document.

Be that as it may, the statement of the mother of the accused was recorded by the Investigating Officer. The mother of Gobinda Gharami who claims himself to be the full brother of the petitioner stated before the police that the petitioner is not her son.

The Investigating Officer is directed to obtain a report with regard to the authenticity of Aadhaar Card and PAN Card of the petitioner and submit a report within a fortnight.

Considering all such aspect of the matter I am not inclined to release the petitioner on bail at this stage. The prayer for bail is, thus, refused.

The application is, thus, disposed of.

(Bibek Chaudhuri, J.)