

04.07.2023

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rejected

C.R.M.(DB) No. 2486 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Salanpur Police Station Case No. 51 of 2019 dated 17.04.2019 under Sections 365/364A/34/120B of the Indian Penal Code.

And

In Re : Chandra Mohan @ Chandan Kumar @ Chandan Sonar petitioner

Mr. Milon Mukherjee, Sr. Adv.

Mr. Avik Ghatak

Mr. Saibal Kumar Dasgupta

....for the petitioner

Mr. Rudradipta Nandy, learned APP

Mrs. Sonali Das

..... for the State

Learned Counsel for the petitioner submits he is in custody for more than two years. It is also submitted that there is no material to show that he played a role in the alleged kidnap and demand of ransom. Charge has not yet been framed and there is little possibility of trial concluding in near future. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits that the petitioner is a habitual offender. Number of criminal cases involving kidnapping for ransom have been registered against him in other States. Statements of witnesses and other materials collected in the course of further investigation reveal the involvement of the petitioner. Delay is due to dilatory tactics adopted by co-accused and cannot be attributed to the prosecution.

We have considered the materials on record. Allegations disclose organised criminal activity by a group of extortionists. It is alleged that the victim had been abducted and a ransom of Rs.2.6 crores was demanded. Investigation disclosed the involvement of co-accused and initial police report was filed. In the course of further investigation statement of a witness was recorded who disclosed the involvement of the petitioner along with co-accused in the abduction. It is also relevant to note that a sum of over Rs.9 lakh was transferred in the account of the petitioner from the account of a co-accused. These materials prima facie disclose the involvement in the crime. It is strongly contended that the statement of the witness was belatedly recorded and the quantum transferred is a meager one. We are not inclined to comment on the quality of the evidence at this stage but the said materials establish his prima facie involvement in the crime. It is also relevant to note that he has criminal antecedents and appears to be a member of an organised crime syndicate. In this backdrop, we do not consider it prudent to enlarge the petitioner on bail.

The application for bail is, thus, rejected.

We request the trial court to take immediate steps for disposal of the application for discharge of the accused and proceed for consideration of charge at the earliest.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)