



Shrawan Kumar Todi, Son of Late  
Brijlal Todi, residing at 2/2B, Sarat  
Bosc Road, Kolkata 700020.

Petitioner (In jail)

-Versus-

The State of West Bengal

...Opposite Party

4  
12/4/12

13.04.2012

C.R.M. No. 5662 of 2012

In the matter of an application for bail under Section 439 of the Code of Criminal Procedure filed on 2<sup>nd</sup> April, 2012 in connection with Lake P.S. Case No. 293 of 2011 dated 09.12.2011, under Sections 304/308/285/36 of the Indian Penal Code read with Sections 11C/11L and 11J of the West Bengal Fire Services Act 1950.

And

In re : Shrawan Kumar Todi Petitioner.

Mr. Ranjit Kumar,  
Mr. Sudipto Moitra,  
Mr. Abhimanya Bhandari,  
Mr. Utpal Majumdar,  
Mr. Sandipan Ganguly,  
Ms. Rupa Bondyopadhyay  
Mr. Pushan Kar,  
Ms. Sreyashee Biswas,  
Mr. S. Majumdar ... for the Petitioner.

Mr. Debasish Roy, Ld. P.P.  
Mr. Rajdeep Majumdar ... for the State.

The petitioner is seeking bail in connection with a case relating to which he has been charge-sheeted along with 15 others under Sections 304/308/285/36 of the Indian Penal Code read with Sections 11C/11L and 11J of the West Bengal Fire Services Act, 1950 and arising out of Lake P.S. Case No.293 of 2011.

The learned Counsel appearing on behalf of the petitioner submitted before us that he is an old man aged about 70 years and is in custody for 118 days and already charge-sheet has been submitted and nothing left for investigation. He further submitted that out of total 16 charge-sheeted accused persons already 9 have been granted bail, while 5 by this High Court, the rest 4 by the Court belows. He further contended that the petitioner is standing on same footing with the co-accuseds Dr. Mani Chettri, Dr. Pronob Dasgupta, Dr. Upadhyay and Smt. Preetha Banerjee and as such the petitioner is very much entitled to be released on bail and more particularly when the investigation has been closed.

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On the other hand, the learned Public Prosecutor has not disputed the above contention of the learned advocate of the petitioner but submitted that the State has already filed applications for cancellation of bail granted to Dr. Pronob Dasgupta and Dr. Upadhyay before this Court and same is running in the list and is going to file similar application seeking cancellation of bail granted to the co-accused Smt. Preetha Banerjee by the Court below.

In reply to the contention of the learned Public Prosecutor that challenging the order of granting bail to the co-accuseds Dr. Pronob Dasgupta and Dr. Upadhyay, the State has filed application for cancellation of bail before this Court merits no consideration for the simple reason such application was filed only after this Court granted bail to the co-accuseds Radheshyam Goenka and Prasant Goenka on March 28, 2012 with a finding that the said two accuseds were standing on the same footing with the co-accuseds Dr. Mani Chettri, Dr. Pronob Dasgupta and Dr. Upadhyay and their release on bail by the Court below has never been challenged. He further submitted that Dr. Pronob Dasgupta was granted bail on 23<sup>rd</sup> February 2012 and Dr. Satyabrata Upadhyay was granted bail on 16<sup>th</sup> March, 2012 and the application for cancellation of bail was filed on March 29, 2012. He lastly contended that nothing prevented the State to move this Court for cancellation of bail of the said co-accuseds until such fact was brought to the notice of the Court from the side of the accused persons nearly a week before the order of granting bail to them was passed.

We have heard the learned Counsel on behalf of the parties. Perused the Case Diary.

There is nothing to dispute that the present petitioner is standing on the same footing with the co-accuseds Dr. Mani Chettri, Dr. Pronob Dasgupta, Dr. Upadhyay and Smt. Preetha Banerjee as it appears from the materials collected during the investigation and the further facts that the State filed

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Date

Notes and Orders

application for cancellation of bail granted to Dr. Pronob Dasgupta and Dr. Upadhyay only when in course of hearing of the application for bail of Radheshyam Goenka and Prasant Goenka such point was taken from the side of the accused persons in support of their plea for bail and nearly a week thereafter those applications were filed.

Now, considering the fact that similarly situated co-accuseds are on bail and already charge-sheet has been submitted and nothing has been brought to our notice which may justify to distinguish the case of the present petitioner from the other co-accuseds who are on bail, we are of the opinion the petitioner's prayer for bail can very well be considered on parity. Accordingly, his prayer for bail is allowed.

Let the petitioner be released on bail to the satisfaction of the learned Chief Judicial Magistrate, Alipore on furnishing a P.R. Bond of Rs. 20,000/- of two sureties of Rs. 10,000/- each and on further condition that after release he shall not enter within the territorial limit of the police station within which the AMRI Hospital is situated and on further condition that he will not tamper with the evidence and must be present before the Trial Court on each day unless prevented due to justifiable reasons. We also direct that before release the petitioner shall deposit his passport, if he possess to the concerned Court.

*Ashim Kumar Roy, J.*  
(Ashim Kumar Roy, J.)

*Asim Kumar Ray, J.*  
(Asim Kumar Ray, J.)

*14/4/12*

CR-8596

Certified to be a true copy

*Srimur Kumar Chakraborty*

Assistant Registrar / Section Officer  
High Court, Appellate Side, Calcutta  
Authorised under section 76 of the  
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(Act 1 to 1872)

*12/4/12*



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