

Present :- Sri Kallol Kumar Das, Vacation Judge, Cooch Behar (J.O. Code –WB00668).

Order No.02 dated 15-10-2022

Today is fixed for hearing of this Criminal Misc. Case.

This is an application u/s-439 Cr.P.C. filed by the petitioner namely **Sourav Das** praying for bail in connection with Ghokdadanga P.S. Case No.341/2022 dated 13-09-2022 u/s-394 of the I.P.C., corresponding to G.R. Case No.1102/2022.

Ld. Advocates for both sides are present.

The Misc. Case is taken up for hearing.

Received the L.C.R. and the C.D.

At the outset, Ld. Advocate for the petitioner submits that no application for bail of the petitioner had either been rejected by the Hon'ble Court or is pending for disposal before the Hon'ble Court.

Ld. Advocate for the petitioner draws my attention to the affidavit relating to such fact.

Ld. P.P.-in-charge also submits that there is no indication in the case diary which goes to suggest that prayer for bail of the accused petitioner had either been rejected by the Hon'ble Court or is pending before the Hon'ble Court for disposal.

Heard both sides.

It is submitted by the Ld. Advocate for the accused petitioner that the accused petitioner is in custody since 16-09-2022. He has no nexus with the alleged offence and has been falsely implicated in this case.

On the other hand, Ld. P.P.-in-charge strongly opposed the bail prayer.

Perused the case record and the C.D.

It is alleged that the accused persons forcefully looted the said vehicle having dry fish amounting to Rs.2,45,000/- and the vehicle. They also assaulted the driver and the principal accused persons have identified during T.I.P.

It appears that the accused petitioner is in custody since 16-09-2022.

This is very primary stage of investigation. Therefore, I am not inclined to release the accused petitioner on bail at this stage.

Hence, prayer for bail of the accused petitioner is considered and refused.

The Misc. Case is hereby disposed of.

C.D. and L.C.R. be returned at once.

Dictated & Corrected by,

Sd/-

**Vacation Judge,
Cooch Behar.**

Sd/-

**Vacation Judge,
Cooch Behar**