

Order No. 06
dated 22.04.24

The accused persons namely, Amrit Ruidas, Pintu Ruidas, Namita Ruidas, Biseswar Ruidas and Maheswar Ruidas are produced from j/c. Ld defence counsel on behalf of the accused Amrit Ruidas appears. None appears on behalf of the accused persons namely, Pintu Ruidas, Namita Ruidas, Biseswar Ruidas and Maheswar Ruidas.

The bail petition filed on behalf of the accused person namely, Amrit Ruidas is taken up for hearing. A written objection is filed on behalf of the prosecution against the bail prayer of the accused.

Ld defence counsel submitted that two vehicles have been seized along with one motorcycle, one of which belongs to Amrit Ruidas and the allegation against him is that he was helping the accused persons to flee away by that vehicle after committing the offence. It is next submitted that the accused was not in the scene of crime and there is no direct evidence against him and he has been falsely implicated in this case and prays for bail. It is further submitted that the accused has his minor child and ailing mother and he is the sole earning member of his family.

Ld Spl P.P. in charge Sri Bibhas Chatterjee appears in the hearing of the bail petition through VC. He submitted that the accused was the mastermind of the entire commission of offence and further submitted that the conversation between the accused persons and Amrit Ruidas have been collected by the IO to prove his involvement with the alleged offence. It is next submitted that if the accused is released on bail there is every chance of tampering of evidence and threatening witnesses as because the case is involved with circumstantial evidence. Ld Spl P.P. in charge cited a decision reported in AIR 2020 SC 670 (Mahi Pal vs Rajesh Kumar alias Polia) in support of the hearing.

Ld Advocate for the defacto complainant submitted that the offence committed by the accused persons is heinous in nature. It is next submitted that the accused persons constructed house encroaching the land of the victims and Hon'ble High Court, Calcutta directed to demolish the construction and due to such grudge they have committed such offence and if the accused be released on bail, there is every chance of threatening witnesses and tampering the evidence.

Perused the CD together with the statements of the witnesses and other materials in the CD. The allegation against the accused Amrit Ruidas is that this accused though was not in the scene of crime but he was the perpetrator of the crime. The other four accused persons entered into the house of the victims and mercilessly assaulted them. It appears that there was a rivalry in between the parties over the issue of encroachment of the land of the victims by the accused persons where they

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constructed house. Out of the three persons two had died due to such assault and one person was recovered. The PM report shows that the death of those persons were due to the effect of injuries ante mortem in nature. The surathal report shows that there were several injuries on the persons of the deceased. Perused the CDR. The vehicle of the accused was seized. On perusal of the CD the involvement of the accused with the alleged offence cannot be ruled out. Now considering the materials in CD and gravity of the offence, the prayer for bail of Amrit Ruidas is hereby rejected.

Ld advocate Susanta Banerjee files a petition stating inter alia that he has been appointed to conduct the case on behalf of the accused persons namely, Pintu Ruidas, Namita Ruidas, Biseswar Ruidas and Maheswar Ruidas by Secretary, DLSA, Bankura. But due to the resolution taken by the Local Bar Association, Bankura, he could not appear and defend the accused persons and prays for passing necessary order.

Under the above facts and circumstances, the charge cannot be framed against the accused persons as out of five accused persons, the four accused persons namely, Pintu Ruidas, Namita Ruidas, Biseswar Ruidas and Maheswar Ruidas are undefended. The Ld Advocate Susanta Banerjee who was appointed by the Secretary, DLSA, Bankura, to defend the accused persons and I am of the view that it should be brought to the notice of the Chairman, DLSA, Bankura.

To **10.05.2024** for appointment of defence counsel and consideration of charge.

Produce the accused persons on the date fixed.

Let a copy of this order be sent to the Chairman, DLSA, Bankura for information and taking necessary action.

Dictated & Corrected

A.S.J., 2nd Court, Bankura.

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