

In the Court of Additional Sessions Judge, Fast Track Court, Bankura

Present : Sri Durga Sankar Rana,
Additional Sessions Judge, Fast Track Court, Bankura.

S.C. 264 of 2022
S.T. 46/2022

Order No: 44,
Dated: 20-01-2025.

Today is fixed for evidence of defence witness and filing medical report.

Accused Prasenjit Mondal is produced from J/C.

Ld. Defence Counsel and Ld. Public Prosecutor are present.

No defence witness is present. No prayer has been filed on behalf of the defence side for evidence of defence witness.

Today a petition has been filed on behalf of the accused to allow the accused to sign on two cheques issued by the SBI, Pakhanna Branch in respect of A/C No. 33714176072 probably unto the name of the accused so that it will be possible for the mother of the said accused to withdraw some amount to meet the need of money presently suffered by her.

It further appears that a bail application has also been filed seeking bail of the accused to give scope to him to utilize the construction of a house for him under the Bengal Avas Yojona.

Considered.

Now, considering the order dated 13-12-2024, it appears that copy of the said order sheet has not yet been sent to the concerned Superintendent of the Correctional Home where the accused is presently detained and naturally it appears that steps has not been taken by him to send the accused to any appropriate hospital to determine whether the accused is presently out of the spell of lunacy or not or whether it will be safe to release him back into the society.

BC I of this court submits that due to inadvertence and as no specific direction was available for sending the copy of the order sheet as stated above, he did not send a copy of the order sheet to the concerned Superintendent of the Correctional Home where the accused is presently detained.

Considered.

The matter is urgent. So, the BC I of this court is hereby directed to send a copy of the order sheet dated 13-12-2024 along with a copy of this order to the concerned Superintendent of the Correctional Home where the accused is presently detained without any further delay.

The concerned Superintendent of the Correctional Home where the accused is presently detained is hereby directed to comply with the said order dated 13-12-2024 at the earliest and submit the report as soon as possible as the matter is urgent and important and without the said report, it is not possible to proceed with the case any further.

In view of the above said circumstances, the petition filed on behalf of the accused person to allow the accused person to sign on two cheques in favour of his mother enabling her to withdraw money from the Account of the accused to meet her need of money can not be entertained and allowed. Accordingly, the said petition stands rejected with liberty to the accused to file it afresh after the medical report is received from appropriate hospital as directed by this Court upon the Superintendent of the Correctional Home where the accused is presently detained.

Now, the bail application is taken up for hearing.

Copy of the bail application is served upon Ld. Public Prosecutor.

Ld. Advocate for the accused submits that the accused is in custody since the date of his arrest and at present allotment has been sanctioned in favour of the accused by his name under Bangla Avas Yojona for construction of a house for the accused and his presence is necessary at the Pakhanna Gram Panchayat. He further submitted that all the evidence of prosecution witnesses have been completed, so there is no chance of influence to the witnesses and so, he prays for bail on any terms and conditions.

In support of his bail application, one photocopy of letter issued by Pradhan, Pakhanna Gram Panchayat on 03-01-2025 has been filed. He also filed some photocopy of medical documents.

Ld. Public Prosecutor raised strong objection regarding the bail prayer of the accused. He submits that on earlier occasion, several bail petitions have been rejected and he further submits that in fact on a past occasion same kind of bail application was moved before this Court which was rejected and adds further that the accused was in delirious state and committed murder of his grandmother in a spell of lunacy and so it is dangerous to release the accused on bail as he is supposed to be treated medically.

Heard both sides. Considered.

Perused the FIR.

The FIR discloses support to the contention of the Ld. Public Prosecutor.

On perusal of the record it appears that the materials on record are sufficient to hold that there is reasonable ground to believe that the accused person was involved in the heinous crime. The nature and gravity of the offence is serious in nature. Before releasing the accused on bail, it is required to be ensured with certainty that the accused is medically fit to be released into the society otherwise same kind of incident may be repeated. Side by side, in the above said circumstances, there was need to proceed under Chapter 25 of the Cr.P.C. as the case was instituted prior to the coming into force of the Bharitya Naya Sanhita.

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So, this court is not of the opinion to release the accused on bail at this stage. Hence, bail prayer of the accused stands rejected.

Let a copy of this order along with copy of order dated 13-12-2024 be sent to the Superintendent, Bankura District Correctional Home for information and compliance.

Side by side, the concerned Superintendent, Bankura District Correctional Home where the accused appears to be detained in present is hereby further directed to keep the accused under constant visit to avoid any untoward incident until the medically fit report as to out of spell of lunacy regarding the accused is received or to act as per advise of any Medical Practitioner having sufficient experience in this regard.

Hence, fix **07-02-2025** for production of the accused and medical status report.

Dictated & Corrected by me.

Sd/- D.S. Rana,

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Additional Sessions Judge,
Fast Track Court, Bankura.

Additional Sessions Judge,
Fast Track Court, Bankura.

Memo. No.

Date-

Copy of this order along with copy of order dated 13-12-2024 be sent to the Superintendent, Bankura District Correctional Home for information and compliance.

Additional Sessions Judge,
Fast Track Court, Bankura.

