

S.C. No. 02(7)2021
Reg. No. 22 / 2021

Order No. 08 dtd. 23.09.2021

The case is posted for production of accused and consideration of charge.

Accused is produced from JC. Prosecution is present and defence counsel Mr. Mahadeb Dey has also an application for bail.

I asked Ld. PP to make hearing for consideration of charge but defence counsel declined to participate in the charge hearing.

Once the defence does not want to participate in charge hearing when accuse is in custody I can not compel him to participate in hearing for consideration of charge. Accordingly, I restrain myself to go ahead on that point.

However, I taken up the application for hearing for bail filed by the defence today. Mr. Dey submits that there is no material u/s. 313 IPC. He further contended that medical papers had included in the CD after submission of CS. My attention is also drawn upon statement u/s. 164 of Cr.PC and one paper issued from one Nursing Home authority.

I have carefully perused the record it appears that on 19.07.2021, 26.08.2021 and 02.09.2021 this court was pleased to reject the bail application and on last day also requested the defence to participate in the charge hearing but my request was turned down. Even today similar request of the court was also turned down by the defence expressed the willing to move the application for bail.

The careful reading of the material on the record and other observations made above, inspires me not to grant bail as because if bail is granted interest of justice may be frustrated. Moreover no new circumstances arises after rejection of prayer for bail on earlier occasions. Hence, prayer for bail is rejected.

Fix – 20.11.2021 for consideration of charge and production.

D/C

Addl. Sessions Judge,
Bishnupur, Bankura

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