

GR 971 of 2012

Order dated 06-04-2022

The case record is put up by petition as a bail application has been filed on behalf of the accused Rahul Khan.

Heard both sides over bail application.

Ld. APP raises no objection on the ground that it is difficult even for the prosecution to bring all the accused persons at one time immediately for the purpose of committal of the case.

Perused the **Section 209(b) of Cr.P.C.** and also reported decision passed in **Thirumalegowda vs State, 1999 CrLJ 823** wherein it has been observed that where in a case the offence is exclusively triable by the Sessions, the Magistrate has discretion to release the accused on bail even where the case is committed to the Court of Sessions binding the accused not only to appear as and when required before him but also to appear as called upon in the court of Sessions. So, considering that the case is long pending and from the CS it appears that 4 persons have been charge sheeted and as inadvertently a long date has been given for appearance, without preponing the same date, it is not possible for this court for the said reason to commit the instant case to the Court of Sessions immediately. So for ends of justice he may find bail of Rs. 2000/- with two R.S Rs.1,000/-each with condition to appear before this court on the next dates positively and also to appear before the Court of Sessions if he is so directed I/d to j/c.

If on bail 19-12-2022 for appearance.

Considering that this case is fixed for appearance on 19.12.2022 but this is a case for commitment the said case is preponed to 16.05.2022 for appearance id. necessary order.

B.C. of this court is directed to inform the Ld. Advocates for the accused persons and also sureties for the bailed out accused persons be so inform.

BC -II to comply.

**D/Corrected by**

**ACJM, Bishnupur**

**A.C.J.M., Bishnupur.**

GR 223 of 98

Order dated 06-04-2022

Heard both sides over bail application through conference call.

Ld. APP raises no objection on the ground that it is difficult even for the prosecution to bring all the accused persons at one time immediately for the purpose of committal of the case.

Perused the **Section 209(b) of Cr.P.C.** and also reported decision passed in **Thirumalegowda vs State, 1999 CrLJ 823** wherein it has been observed that where in a case the offence is exclusively triable by the Sessions, the Magistrate has discretion to release the accused on bail even where the case is committed to the Court of Sessions binding the accused not only to appear as and when required before him but also to appear as called upon in the court of Sessions. So, considering that the case is long pending and from the CS it appears that 71 persons have been charge sheeted and it is not possible for this court for the said reason to commit the instant case to the Court of Sessions immediately and it is also a fact that the accused persons have surrendered before the court voluntarily, for ends of justice they may find bail of Rs. 2000/-with two R.S Rs.1,000/-each with condition to appear before this court on the next dates positively and also to appear before the Court of Sessions if he is so directed I/d to j/c.

If on bail 30-04-2022 for appearance.

**D/Corrected by**

**ACJM, Bishnupur**

**A.C.J.M., Bishnupur.**

GR 224 of 98

Order dated 06-04-2022

Heard both sides over bail application through conference call.

Ld. APP raises no objection on the ground that it is difficult even for the prosecution to bring all the accused persons at one time immediately for the purpose of committal of the case.

Perused the **Section 209(b) of Cr.P.C.** and also reported decision passed in **Thirumalegowda vs State, 1999 CrLJ 823** wherein it has been observed that where in a case the offence is exclusively triable by the Sessions, the Magistrate has discretion to release the accused on bail even where the case is committed to the Court of Sessions binding the accused not only to appear as and when required before him but also to appear as called upon in the court of Sessions. So, considering that the case is long pending and from the CS it appears that 71 persons have been charge sheeted and it is not possible for this court for the said reason to commit the instant case to the Court of Sessions immediately and it is also a fact that the accused persons have surrendered before the court voluntarily, for ends of justice they may find bail of Rs. 2000/-with two R.S Rs.1,000/-each with condition to appear before this court on the next dates positively and also to appear before the Court of Sessions if he is so directed I/d to j/c.

If on bail 17-05-2022 for appearance.

**D/Corrected by**

**ACJM, Bishnupur**

**A.C.J.M., Bishnupur.**

Cntd...Order dated 09-07-2021

Hd. Both sides over bail application through V/C.

Ld. APP raises no objection.

C.S. has been submitted under magistrate triable bailable section and no requirement of custodial interrogation is found. Hence each of the accused persons may find bail of Rs. 1000/- with one R/S of like nature i/d to j/c.

Copy served. Hence, the case record is transferred to the Ld. JM, 2<sup>nd</sup> Court, Bishnupur for trial.

If on bail to 10-09-2021 for appearance before trial court.

*Dict. & corrected by me*

**ACJM, Bishnupur**

**A.C.J.M., Bishnupur.**

Order dated 13-07-2021

Heard both sides over bail application through conference call.

Ld. APP raises no objection on the ground that it is difficult even for the prosecution to bring all the accused persons at one time immediately for the purpose of committal of the case.

Perused the **Section 209(b) of Cr.P.C.** and also reported decision passed in **Thirumalegowda vs State, 1999 CrLJ 823** wherein it has been observed that where in a case the offence is exclusively triable by the Sessions, the Magistrate has discretion to release the accused on bail even where the case is committed to the Court of Sessions binding the accused not only to appear as and when required before him but also to appear as called upon in the court of Sessions. So, considering that the case is long pending and from the CS it appears that 71 persons have been charge sheeted and it is not possible for this court for the said reason to commit the instant case to the Court of Sessions immediately and it is also a fact that the accused persons have surrendered before the court voluntarily, for ends of justice they may find bail of Rs. 1000/- each with one R.S of like nature with condition to appear before this court on the next dates positively and also to appear before the Court of Sessions if he is so directed I/d to j/c.

If on bail 06-08-2021 for appearance.

Recall W/A.

**D/Corrected by**

**ACJM, Bishnupur**

**A.C.J.M., Bishnupur.**

**Contd...Order dated 06-04-2022**

Heard both sides over bail application.

Ld. APP raises objection.

Ld. Advocate for the accused person prays for bail on the ground that the arms recovered is not come under the purview of prohibited arms as such the offending sections is not applicable and the appropriate Section is applicable is Section 25(1)(a) of the Arms Act and the prescribed punishment is for imprisonment for one year which is bailable in nature. Side by side it is a mandate of law to produce the seized arms and also to see whether it is in workable condition or not. He further submits that it is also not mentioned whether the seized arms is in workable condition or not.

Considered.

It appears that without proper examination of the arms seized by forensic department it is not proper for deciding the status of the arms recovered as prohibited or not at this rudimentary stage. Hence, the I.O is directed to send the seized gun to the FSL department without delay. More over during PC period one live ammunition has been recovered.

Considered.

Perused the CD and materials therein.

In view of the above observation and the nature of allegation the prayer for bail stands rejected.

Call for C.D on the date fixed.

To 20-04-2022 for production with C.D.

GRO Bishnupur to inform all concerned.

D/Corrected by

**A.C.J.M., Bishnupur.**

**A.C.J.M., Bishnupur.**