

S.T. 31(2) 2022
CNR-WBBK090002432021

Order No. 12
Dated 09.03.2023

Today is the date fixed for hearing of the bail petition dated 02.03.2023 filed on behalf of accused person, namely Arun Patra U/s 439 of the Cr.P.C.

Ld. Advocate for the accused person is present.

Ld. P.P. In-charge of this case is present.

Ld. Advocate for the said accused person has submitted that this accused person is in custody since 06.07.2021. He has further submitted that in this matter initially FIR was lodged under Section 363, 365, 34 of IPC, that is clear from the material on record available on the website of Bankura District Police. He has further submitted that, from the written complaint filed by de facto complainant that is available on records it is revealed that in the endorsement of the recording officer on the written complaint there are corrections in respect of relevant sections of IPC. He has further submitted that in this case there are omnibus allegations against this accused person. He has further submitted that in this case PW 1 has been examined and from the evidence of PW 1 it is clear that there are general allegations against this accused person. He prays for enlarging this accused person on bail on any condition.

Ld. Public Prosecutor In-charge of this case has vehemently opposed the bail prayer of this accused person, and submitted that allegations against this accused person are very serious. He has drawn the attention of this court towards the recorded statement under Section 164 Cr.P.C of CSW-8 and CSW-9 that reflects that there was extra judicial confession of this accused person in respect of the commission of charged offence. He prays for rejecting the bail prayer of this accused person.

I have heard the submissions of the Ld. Advocate for the said accused person and the Ld. Public Prosecutor in charge of this case, and perused the records including CD. From the records, it is revealed that bail petition of this accused person was rejected by Hon'ble High Court on 21.02.2022 in CRM(DB) 85 of 2022. From the materials on record specially the recorded statement under Section 161 Cr.P.C. of the witnesses examined by police, recorded statement under Section 164 Cr.P.C. of CSW-8 and CSW-9 it is revealed that allegations against this accused person is very serious. Considering the materials on record specially the seriousness of allegations against this accused person I am of the view it will not be justified to enlarge this accused person on bail at this stage hence, the bail petition dt. 02.03.2023 filed on behalf of the accused person namely Arun Patra is rejected.

Let CD be returned.

To date (29.04.2023) for appearance of accused persons on bail, production of the accused person in custody and prosecution evidence.

D/C by me.

A.S.J.

Additional Sessions Judge,
Khatra, Dist.- Bankura
J.O. Code WB01399