

S.C. 02 of 2023
CNR. no. WBBK090000022023

In connection with Taldangra P.S. case no. 08 of 2018 dated 10.02.2018 U/s 395/397
of IPC corresponding to GR case no. 66 of 2018

Order No-03
Dated - 07.01.2023

Today is the date fixed for hearing of the bail petition dated 03.01.2023 filed on behalf of the accused person namely Sk. Rabiul.

Ld. Advocate for the said accused person is present.

Ld. Public Prosecutor In-charge of this case is present.

Ld. Advocate for the said accused person has submitted that no any bail petition is pending or rejected by any higher Court in respect of this accused person in this case. Ld. Public Prosecutor In-charge of this case has conceded the said submissions of the Ld. Advocate for the accused person.

Ld. Advocate for the said accused person has submitted that this accused person was already on regular bail but because of the misuse of liberty warrant of arrest was issued against this accused person on 15.07.2022 and this accused person surrendered before Ld. A.C.J.M, Khatra on 21.12.2022 since then this accused person is in custody. He has further submitted that, because of the miscommunication of the next date by diary mistake of Ld. Advocate, this accused person was not able to appear on 15.07.2022 due to that reason warrant of arrest was issued against this accused person. He has further submitted that non appearance of this accused person on previous date was not intentional. He prays for enlarging this accused person on bail on any conditions.

Ld. Public Prosecutor In-charge of this case has vehemently opposed the bail prayer of this accused person, and submitted that because of this accused person absence, trial of this case was delayed. He prays for rejecting the bail prayer on this accused person.

I have heard the submissions of the Ld. Advocate for the said accused person, and the P.P. In-charge of this case and perused the records including CD. From the records, it is revealed that this accused person was enlarged on bail on 12.06.2019 by the Ld. A.C.J.M, Khatra and because of misuse of liberty warrant of arrest was issued against this accused person on 15.07.2022. From the records it is revealed that this accused person is in custody since 15.07.2022. Considering that this accused person was already on bail, and his previous absence before the Ld. A.C.J.M, Khatra was not intentional, I am of the view that it will be justified to enlarge the above said accused person namely Sk. Rabiul on bail on following conditions:

- 1) Accused person will appear in each and every proceeding of the case.
- 2) Accused person namely , Sk. Rabiul will furnish bail bond of sum of Rs. 1000/- with two registered sureties of Rs. 500/- each to the satisfaction of Ld. A.C.J.M, Khatra.

With the above observations, bail petition dated 03.01.2023 filed on behalf of the accused person, namely Sk. Rabiul is disposed of.

To date (17.02.2023) for production/ appearance of accused persons and for consideration of charge.

Let the copy of this order be sent to the Ld. A.C.J.M., Khatra for information and necessary action.

Dictated and Corrected by me,

Additional Sessions Judge,
Khatra, Bankura

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