

S.T. 04(07)2024
CNR no-WBBK090001652024

State Vs. Biswanath Mahato

In connection with Ranibandh P.S. Case No. 17 of 2024 dated 07.03.2024 u/s 498A/304B/302 of IPC and section 3 /4 D.P. Act corresponding to GR case no. 174 of 2024

Order No. 05
Dated 30.08.2024

Today is fixed for hearing of petition dated 28.08.2024 praying for bail of the accused Biswanath Mahato

Ld. Advocate for the accused moves the instant petition.

Ld. P.P. In-charge is present before the court.

It is submitted on behalf of the parties that neither any application for bail of the accused was rejected by the Hon'ble High Court, Calcutta nor by any other higher forum and at the same time it is submitted that no petition praying for bail of the accused is pending before the Hon'ble Court and / or any other higher forum.

It is submitted that on behalf of the accused that this accused has been falsely implicated with this case by the de facto complainant. It is advanced that the detention of the accused in custody is sufficient. It is also advanced that investigation is over and charge-sheet has already been submitted and trial is going on i.e. there is no chance of tampering evidence and hampering investigation.

Ld. Advocate for the accused eloquently submits before the Court that the accused is ready to face the trial and so that the accused should be enlarged on bail in any term and condition.

On the other hand Ld. P.P In-charge raises vehement objection against the prayer for bail of the accused submitting inter alia that it is very peculiar that the father of the accused does not support the accused person. It is also submitted that no other family member of the accused person has been implicated in this case. Ld. P.P. In-charge shows different pages of the CD and submits that there are huge incriminating materials against the accused and if the accused be granted on bail, a wrong message will go to the society. In this situation Ld. P.P. In-charge ultimately submits that the alleged offence is of such a nature that it deserves custody trial and in view that the prayer for bail of the accused should be rejected.

On perusal of the record, it is seen that the allegation against the accused is direct and it is very heinous in nature. It is evident from the CD that the allegation against the accused that he used to torture the victim in a routine way. It is also very peculiar that no allegation has been brought by the complainant against any other member of the family of the accused. It is more peculiar that father of the accused himself supports the allegation of the prosecution. In view of the present facts and circumstances of the case, this Court does not find convincing reason to entertain instant prayer for bail of the accused.

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Therefore, considering the facts and circumstances of the case, materials in the record, submission of the respective parties , nature and gravity of the alleged offence and at the same time taking into account the peculiarity of the case that no other family member of the accused has been implicated in this case and the father of the accused himself does not support the accused, the prayer for bail of the accused Biswanath Mahato stands rejected.

The instant petition praying for bail of the accused is accordingly disposed of.

To date(10.09.2024).

Dictated and Corrected by me

A.S.J
Khatra, Bankura

Additional Sessions Judge,
Khatra, Dist.- Bankura
J.O. Code WB00638