

S.C. case No. 74/2021
CNR no-WBBK090001962021

**In connection with Hirbandh P.S. Case no. 35/21 dt. 23.08.2021 U/S 448/341/
323/325/307/34 of IPC corresponding to G.R. case no. 402/2021**

Order No. 02
Dated 27.09.2021

Today is the date fixed for hearing of the bail petition dated 21.09.2021 filed on behalf of the accused persons namely, Ananda Bauri and Rabi Bauri U/s 439 of the Cr.P.C.

Ld. Advocate for the accused persons is present.

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

Ld. Advocate for the said accused persons has submitted that no any bail petition is pending or rejected by any higher Court in respect of the accused persons in this case, and in this respect one affidavit is filed. Ld. Public Prosecutor In-charge of this case has conceded the said submission of the Ld. Advocate for the accused persons.

Ld. Advocate for the said accused persons has submitted that these accused persons have been falsely implicated in this case. He has further submitted that from the materials on record, it is clear that Section 307 of IPC is not attracting in this case. He has further submitted that charge-sheet in this case has already been filed. He prays for enlarging these accused persons on bail on any condition.

Ld. Public Prosecutor In-charge of this case has vehemently opposed the bail prayer of these accused persons, and submitted that the allegations against these accused persons are very serious. He prays for rejecting the bail petition of these accused persons.

I have heard the submissions of the Ld. Advocate for the accused persons and the Ld. Public Prosecutor in charge of this case and perused the records including CD. From the records, it is revealed that accused Rabi Bauri is in custody since 23.08.2021 and another accused Ananda Bauri is in custody since 06.09.2021. From the record it is revealed that charge-sheet in this case has been filed, and record of this case has also been committed to this Court. From the materials on record specially the contents of FIR, recorded statement U/s 161 of Cr.P.C of the witnesses examined by the police and injury report, medical documents available at page 20 and 21 in CD, it is revealed that there are materials variations in respect of contents of FIR and medical documents. Considering the materials on records, aspects of filing charge-sheet in this case, the period of custody of the accused persons, no chance of the immediate beginning of the trial of this case due to COVID-19 situation, I have of the view that it will be justified to enlarge both accused persons on bail on following conditions:-

- 1) Both the accused persons will not influence any of the witnesses of this case.
- 2) Both the accused persons will appear in each and every proceeding of the case.

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3) Both the accused persons namely, Ananda Bauri and Robi Bauri will furnish bail bond of sum of Rs. 2000/- each with two registered sureties of Rs. 1000/- each to the satisfaction of Ld. A.C.J.M Khatra.

With the above observations, bail petition dated 21.09.2021 filed on behalf of the accused Ananda Bauri and Robi Bauri is disposed of.

Let CD be returned.

To date (30.09.2021) for production of the accused persons/ appearance of the accused persons and consideration of charge.

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

Dictated and corrected by me

A.S.J
Khatra, Dist- Bankura

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