

Sessions Case No 128 of 2013

Order No.29 dated 19.7.14.

Out of 9 accused persons on court bail 02 accused persons namely Ashish Tamang and Prashant Chettri @ Yogen Rai are present by filing hazira while 07 accused persons namely, Puran Rai, Babita Ganguli, Sunil Rai, Subash Tamang, Sudesh Rai Majhi, Tilak Rai @ Sotong, Dipen Malley are absent by petition and represented by their Advocate under section 317 Cr.P.C

18 accused persons in custody namely 1) Kamal Sinha, 2) Pravin Subba, 3) Sanjoy Tamang, 4) Naresh Rai, 5) Suraj Singh, 6) Arun Moktan @ Tamang, 7) Amol Lama, 8) Sona Sherpa, 9) Dawa Sange Sherpa, 10) Nagendra Pradhan @ Nagen, 11) Keshar Rai, 12) Bhanu Rai, 13) Alok Kanta Mani Thulung @ Rai, 14) Kismat Chettri, 15) Puran Thami, 16) Tenzing Khambachey, 17) Keshab Raj Pokhrel and 18) Dinesh Gurung @ Karate Kaila are produced from J.C.

One hazira is filed on behalf of widow of the deceased.

Ld. Special P.P. representing the prosecution/ C.B.I is present.

Comprehensive report not yet been submitted.

Ld. Special P.P submits that investigation is at the fag end of completion and the comprehensive report will be submitted very soon.

One petition for bail is filed on behalf of the 12 accused persons namely, (1) Kamal Singha (2) Smt. Sona Sherpa (3) Nresh Rai (4) Prabin Subba (5) Bhanu Rai (6) Tenzing Khambache (7) Arun Moktan (8) Sanjay Tamang (9) Suraj Singh (10) Dawa Sangey Sherpa (11) Amol Lama and (12) Kasar Rai. Copy served and objected to.

Heard Ld. Advocate for the accused persons and the Ld. Special P.P..

Ld. Advocate for the accused persons submits that these accused persons are innocent and have been falsely implicated in this case and they are in custody for more than a year and further detention of these accused in custody is not required. He also submits that in the instant case 09 accused persons are on bail and these accused persons are standing on the same footings. He also submits that Hon'ble Apex Court was pleased to direct the prosecution to submit comprehensive report preferably within 03 months but prosecution has failed to submit the comprehensive report till date and the case is unnecessarily dragged. He also submits that these accused persons have permanent residence and there is no chance of their absconsion if they are granted bail and they will attend the Court regularly.

Ld. Special P.P vehemently opposes the prayer for bail and submits that similar prayer was made on behalf of these accused persons before the Hon'ble High Court and Hon'ble High Court after considering the entire circumstances rejected their prayer for bail. He also submits that investigation of this case is at the fag end and the comprehensive report will be submitted very soon and accordingly considering the gravity of the offence and involvement of these accused persons in the commission of the offence their prayer for bail may not be considered at this stage as there is chance of hampering of investigation and also the trial.

I have considered the submission of both sides.

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Continued Order No.29 dated 19.7.14.

Perused the petition and the case record where from I find that this case is proceeding for the commission of the offence U/s 302/120B of the I.P.C besides other charges. It also appears from the record that the prayer for bail of these accused persons was rejected earlier by this Court and also by the Hon'ble High Court.

Therefore, considering the entire facts and circumstances of the case and submissions of both sides and also considering the nature and gravity of the offence, I am not inclined to grant bail to these accused persons at this stage. As such the prayer for bail of these accused persons stands rejected.

All the accused persons in custody are remanded to J.C till 02.08.2014 and they will be produced before this court on that date.

Accused persons on bail as before.

Dictated & Corrected by me.

Chief Judge
City Sessions Court, Calcutta

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