

Spl GR 05 of 2023
(Reg. No.05 of 2023)

Present: Sri Madan Mohan Mishra
JO Code : WB00727

Order no. 15 dated 19.02.2024

Accused no. 11 Dilip Jaiswal on bail is present.

The accused persons namely 1) Rishikesh Jawahar, 2) Chanchal Majumder, 3) Binod Kr. Pandey 4) Arun Singh, 5) Bharat Roy 6) Mousumi Gupta 7) Heera Devi Thakur 8) Radhey Shyam Yadav, 9) Paras Nath Shaw 10) Sarwari Siddique, 11) Asraj Chettri and 12) Deep Jha 13) Filmon Kujur @ Filman Kujur 14) Amal Ch. Biswas 15) Nikhil Ch. Mondal 16) Shekar Ch Singh 17) Theodor Tirkey 18) Meghnad Sinha 19) Radha Nath Singha 20) Santosh Tamang 21) Sushila Goretti Ekka 22) Nichodim Minj surrender before this Court and pray for bail by filing two separate applications along with xerox copy of certain documents.

One intimation in writing has been submitted by the accused persons disclosing that accused no. 3 Joseph Hembram died on 21.11.2021, accused no. 14 Md. Salam died on 12.03.2024 and accused no. 1 Mamla Kujur died on 31.08.2024 along with the photo copies of their respective death registration certificate.

Accused persons have also submitted the print out of internet copy of the judgement passed on 10.01.2025 in the proceeding CRR No. 299 of 2023.

The accused persons are taken into custody and remanded to J/C till 28.02.2025.

Recall the process of W/A issued against the accused persons.

The bail applications filed by accused persons this day are taken up together for consideration.

Heard the Ld. Advocate for accused persons as well as Ld. Prosecutor.

Ld. Advocate representing the accused persons submitted that the process of WA against the accused persons has been issued on 16.09.2023 and thereafter the accused persons have preferred application u/s 482 CrPC before Hon'ble Court vide CRR No. 299 of 2023 and by the order passed in the proceeding the further proceeding of the present case has been stayed till the disposal of the application CRR 299 of 2023 on 10.01.2025. Immediately after dismissal of the application CRR 299 of 2023 accused persons have voluntarily appeared before this Court and they may be enlarged bail.

Ld. Prosecutor submitted that when the charge-sheet has been submitted and all the accused persons have voluntarily appeared before this Court to face trial there is no reason to detain the accused persons in custody.

Having considered the submission raised in the light of the materials on the case record and in the case diary I find force in the submission raised by the Ld. Advocate representing the accused persons that after issuance of the process of WA against the accused persons the further proceeding of the present case was stayed under the order of the Hon'ble Court till disposal of the proceeding CRR 299 of 2023 on 10.01.2025 and accused persons have voluntarily appeared before this Court immediately after disposal of CRR 299 of 2023. Upon consideration, I find no reason to detain the accused persons in custody.

Hence, the bail application stands allowed.

Accused persons 1) Rishikesh Jawahar, 2) Chanchal Majumder, 3) Binod Kr. Pandey 4) Arun Singh, 5) Bharat Roy 6) Mousumi Gupta 7) Heera Devi Thakur 8) Radhey Shyam Yadav, 9) Paras Nath Shaw 10) Sarwari Siddique, 11) Asraj Chettri and 12) Deep Jha 13) Filmon Kujur @ Filman Kujur 14) Amal Ch. Biswas 15) Nikhil Ch. Mondal 16) Shekar Ch Singh 17) Theodor Tirkey 18) Meghnad Sinha 19) Radha Nath Singha 20) Santosh Tamang 21) Sushila Goretti Ekka 22) Nichodim Minj may find bail of **Rs. 500/-** each with one registered surety of like amount each subject to the satisfaction of the Ld. Chief Judicial Magistrate, Darjeeling.

If on bail, to 24.03.2025 for appearance.

Let a copy of this order be sent to the Office of Ld. Chief Judicial Magistrate, Darjeeling for information and necessary action.

The case against accused no. 3. Joseph Hembram has already been filed forever by order passed in the proceeding on 16.09.2023.

Let a death report be called for in respect of accused no. 1 Mamla Kujur and accused no. 14. Md. Salam from Phansidewa PS.

To 24.03.2025 for appearance of accused persons and death report in respect of accused no. 1 Mamla Kujur and accused no. 14 Md. Salam.

Dictated & Corrected by me

Sd/-

Judge, Spl. Court,
Under SC & ST (POA) Act, Dlg
(In Charge)

Judge, Special Court,
under SC & ST (POA) Act, Dlg.

(In Charge)