

Order No. 18

Dated 24.09.2024

Accused Rabindra Gupta files a document i.e. emergency ticket of one Reshika Gupta by firisti. Let it be kept with the case record.

Today is also the date fixed for hearing bail application of accused Rabindra Gupta.

Heard the bail petition filed by the accused Rabindra Gupta praying for releasing him on bail in presence of the Ld. Advocate for the accused person and the Ld. P.P.

Seen the bail petition, perused the case record and considered.

It is submitted by the Ld. Advocate for the accused person that this accused Rabindra Gupta surrendered before this court on 11.09.2024 and since then he is in Jail custody. The accused had misused the liberty of bail. However, he surrendered before this court voluntarily and he is also detained in jail custody since last 11.09.2024 as such he may be released on bail.

Ld. P.P. submits before this court that it is a fact warrant of arrest was issued against this accused and subsequently, he has voluntarily surrendered before this court on 11.09.2024 and since then he is detained in jail custody. The Ld. P.P. also submits before this court that this accused was previously enjoying bail in this case and he left the discretion upon the Ld. Court for consideration of prayer for bail of the accused person.

Having heard the submissions of the Ld. Advocate for the accused person and the Ld. P.P., perused the case record and other materials on record, I find that the accused Rabindra Gupta surrendered before this court on 11.09.2024 and thereafter he was taken into custody and remanded to J/C till 24.09.2024.

On going through the case record, I find that warrant of arrest was issued against this accused Rabindra Gupta vide this Court's order No. 16 dated 28.08.2024. On perusal of the Magistrate record I find from the order No. 7 dated 21.09.2020 passed by the Ld. C.J.M. that this accused Rabindra Gupta was enlarged on bail and subsequently when section 376 of IPC was added to this case, the Ld. C.J.M. Kalimpong was pleased to cancel the bail of the accused person. Therefore, it is found from the Order No. 20 of the Magistrate record that the Ld. District and Sessions Judge in Criminal Revision No. 1/2020 vide his order No. 18 dated 13.02.2022 the accused was allowed to remain on same bail bond. Therefore, it is found that this accused was previously enjoying bail in connection with this case as he was found absent without step on 28.08.2024 the warrant of arrest was issued against him. However, be that as it may, the accused has voluntarily surrendered before this court on 11.09.2024 and he is detained in jail custody for a

period of 13 days. As the accused has voluntarily surrendered before this court and he was enjoying the bail all along as such I am inclined to allow the accused person to be released on bail.

Accordingly, the prayer for bail of the accused Rabindra Gupta is considered and allowed.

Accused Rabindra Gupta may find bail of Rs. 6,000/- with two registered sureties of Rs. 3,000/- each of like amount on condition that he shall appear before this court on each and every date of substantive hearing subject to exception of provision of Section 317 Cr.P.C. and subject to satisfaction of the Ld. C.J.M., Kalimpong.

If the accused person furnishes the bail bonds, then the Ld. C.J.M., Kalimpong is directed to receive the bail bonds furnished by the accused person and after its acceptance issue the release order forthwith in favour of the accused person.

Let a copy of this order be sent to the court of Ld. C.J.M., Kalimpong for his information and taking necessary action.

A copy of this order also be sent to the I.O. of this case for his information.

To date (25.09.2025) for appearance if on bail.

D&C by me

Sd/-

Additional Session Judge

Kalimpong

Sd/-

Additional Sessions Judge

Kalimpong