

JO Code-WB00910 CNR-WBEM01000444-2017
Present:Abhijit Ghosh Ld. ASJ, F.T.C-II, Tamluk
S.T 2 (4) of 2017

Order No.77

Dated 22.12.22.

Today is fixed for hearing the bail petition.

Accused persons namely Rahim Mallick, Mujid Sardar @ Majed @ Mani, Sk. Nasir @ Laltu, Chhaiful Gayen @ Saiful, Hanif Sk @ Raju and Joydeb Das are produced from J/C.

Bail petition is moved on behalf of the all accused persons.

Ld. Advocate of the accused submitted that the accused persons are languishing in custody since 2016 and the bail prayer of the accused persons was rejected by the Hon'ble High court, Calcutta on 03.11.2017 wherein Hon'ble Court directed to expedite the trial and conclude the same at an early date. Ld. Advocate further submitted that till today trial has not been concluded and it is the laches of the prosecution as a result of which the accused persons are languishing in the custody. Ld. Advocate relied upon a case decision reported in 2021(1) AICLR 796 (SC). Accordingly Ld. Advocate of the accused prays for bail.

Ld. P.P in-charge submitted before this Court by raising his voice of objection that the trial of this case is at the fag end and only the examination of th IO is remaining. He further submitted that there is no laches on the part of the prosecution in the process of the trial. He further submitted that so many dates have been given for evidence on the ground that the accused persons have not been produced from J/C. He further submitted that enlarging the accused on bail at this stage will jeopardize the trial and there is a every chance of abscondance of the accused which will frustrated the trial.

Heard the submission of the both sides.

Perusing the record I find that Hon'ble High Court, Calcutta rejected the bail application of the accused person namely Sk. Nasir on 03.11.2017 on the ground that the trial is in progress, so the Hon'ble Court was not inclined to enlarge the accused on bail.

Let the me peruse the order sheets. From the order sheets I find that several dates have taken only for appointing Ld. Advocates of the accused persons and several request was made by this Court to the Ld. Secretary DLSA, Purba Medinipur. Few dates have also passed for non production of the accused from the J/C as a result of which evidence was not done on those dates.

Having considered fact and circumstances, materials on record, gravity of the offence and the trial is the fag end and the enlargement of the accused on bail at this stage would cause frustrating the trial and there is every chance of the abscondance of the accused persons having regard to nature of the offence and I also find that same type of allegations and case is pending against the accused persons I am of the view that the bail petition is rejected.

Accused persons remanded to J/C till 06.02.2023.

To date i.e. 06.02.2023 for evidence.

Dic. & corr. by me.

Additional Sessions Judge ,
Fast Track, 2nd Court, Tamluk.

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