

S.C 101 of 2024

Present : Sri Annada Shankar Mukhopadhyay, Addl. Sessions Judge, 4th Court,
Tamluk, Purba Medinipur **In-charge of** Addl. Sessions Judge, Fast Track Court-1, Tamluk.

Order No.9 **dated 18.06.2024**

Today is fixed for production and hearing bail application filed for accused person Sk. Isha Haque @ Sk. Ishaque.

The accused person namely, Sk. Isha Haque @ Sk. Ishaque is produced from J/C.

Ld. Advocate for the accused/petitioner and the Ld. P.P in-charge are present.

Heard both sides.

It is submitted by the Ld. Advocate for the petitioner at first that no bail application is filed, pending or rejected in respect to this accused before the Hon'ble High Court, Calcutta or any other Superior Court.

Initiating the submission, Ld. Advocate for the accused submits that the said accused person is in custody for 205 days in the F.I.R. in the name of unknown accused. He further submits that the accused was arrested on the basis of suspicion and some seizure list was prepared on seizure of some articles during P.C. period and other accused person is absconding and showing him as absconder a charge sheet has been submitted. He further submits that though there was seizure of arms charge sheet does not disclose under offence under Section-25/27 of Arms Act. He has submitted that charge is yet to be framed and prayed for bail of the accused person on any condition.

Strongly opposing the bail application, Ld. P.P in-charge submits that charge is not framed due to no fault on the part of the prosecution and is due to non production of the accused. He further submits that the accused person was brought under arrest after strenuous operation by the police and after taking him in police custody, part of stolen articles were seized being recovered from the house of his relative. He also refers page-114 of the C/D containing P.M. report and submits that this accused was directly involved for the offence and due to fire of firearms the victim sustained bullet injury even he was wearing Helmet riding motor cycle. He further submits that there is T.I. Parade for stolen articles recovered and this accused is a member of a gang. He prayed for rejection of the bail prayer.

Perused the C/D.

This is a case under Section 394/397/302 of I.P.C.

There are three charge sheeted accused and out of them two were arrested and another was absconding.

From the statements of the witnesses recorded by I.O. it appears that this accused person was involved directly with the incident of dacoity along with murder. From the seizure list dated 04.12.2023 it reveals that as shown by this accused person, some articles were recovered during police custody which is directly related in the dacoity and murder and there is prima-facie allegation for committing the dacoity as well as murder of the victim by this accused person. The seizure lists dated 06.12.2023 further strengthens his involvement from the recovered of the stolen articles being discovered on identification by this accused person during P.C.

Having considered the nature and character of the offence, the antecedent of this accused, direct

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involvement of this accused in this crime which is heinous, crime severity of the punishment if the case is proved against him, chance of absconding of this accused as well as tampering of this evidence and hampering of the trial if he is enlarged on bail, I am not inclined to enlarge this accused on bail and **the bail prayer is rejected.**

Today (12.07.2024).

C/D be returned.

Accused k. Isha Haque @ Sk. Ishaque be remanded to J/C till 12.07.2024

Dic & Corr by me

Addl. Sessions Judge,
Fast, Track, 1st Court
Tamluk, Purba Medinipur

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