

SC 194/24
Reg no. 194/24
WBEM01-00 4689-2024

Present : Smt. Suparna Ray
Addl. Sessions Judge, 3rd Court, Tamluk

Order no. 07 dt. 30-07-24.

Accused namely, Nanigopal Maity is produced from J.C.

Ld. PP in charge and Ld. Defence Counsel- are found present.

Today is fixed for production of the accused, consideration of charge and hearing of the bail application dt. 09.07.24.

Ld. PP in-charge prays time for consideration of charge. Considered.

At this stage the bail application, filed on behalf of the accused on 09.07.24 is taken up for hearing.

Heard both sides. Perused the instant application and other materials on record.

Ld. Defence counsel submitted that the accused is falsely implicated in the present case. On the date of incident i.e. on 31.03.24, the wife of the accused also filed an application before the O.C, Moyna P.S, which was registered as Moyna P.S case no. 135 / 24 against the de facto complainant and other five (05) accused persons. The said case is also pending before Id. CJM, Purba Medinipur. It is further submitted that the accused is detained in custody since 02.04.24 and Charge Sheet has already been submitted. Accordingly, at this stage, there is no purpose to detain the accused in custody. Ld. Defence Counsel further submitted that the accused is the local inhabitant and there is no chance of his absconding. It is further submitted that if the accused be granted bail, he would appear before this Court on each and every date of hearing. Accordingly, Id. Advocate prays bail for the accused Nanigopal Maity.

Ld. Advocate further submitted that no bail application for this accused is either rejected by or pending before the Hon'ble Court. To that effect there is endorsement in the bail application of the accused. Moreso, it is submitted that once bail application had been filed by the accused before the Hon'ble Court, but the same was 'not pressed' on behalf of the accused. Ld. Advocate also filed the xerox copies of the documents by firisti.

In his turn, Id. PP in-charge submitted that the Charge Sheet of this case has already been submitted and it is the initial stage of the proceedings. Ld. PP in-charge, however, left the matter upon the discretion of the Court.

I carefully considered the submissions of Id. Advocates of both sides. I perused the materials on record and CD.

The offence is grievous in nature. The Charge Sheet against the accused has been submitted and hence, prima facie charge has been established against him. The trial of this case has not yet been started. On perusal of the materials in CD, it appears that several incriminating materials, photographs and video has been seized by the I.O

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contd.....Order no. 07 dt. 30-07-24.

during investigation. There is sufficient materials against the accused and at this stage, considering the nature and gravity of the offence, as well as considering the materials on record and CD, I am not inclined to grant bail to the accused.

Hence, the prayer for bail of the accused namely, Nanigopal Maity stands **rejected**.

The accused Nanigopal Maity be remanded to JC till 12.08.24.

To date i.e. **12.08.24** for production of the accused Nanigopal Maity and for consideration of charge.

D/C by me.

Sd/-

Additional Sessions Judge,
3rd Court , Tamluk.
JO code. WB00711

Sd/-

Additional Sessions Judge,
3rd Court , Tamluk.