

Order No.5

16.09.17

Today is fixed for production and report from Sub-Correctional Home, Haldia.

All five(05) accused namely Sanjay Sai @ Bhalu, Sk. Amenun Gani, Goutam Kar @ Laltu, Sahadat Ali @ Bhagna and Sk. Amedulla @ Kamal are produced from J/C.

They are taken into custody.

Report submitted by Medinipur Central Correctional Home against accused Sk. Amedulla @ Kamal is hereby accepted.

Five(05) separate bail Application are filed on behalf of accused namely Sanjay Sai @ Bhalu, Sk. Amenun Gani, Goutam Kar @ Laltu, Sahadat Ali @ Bhagna and Sk. Amedulla @ Kamal and moved.

Ld. P.P-in-charge as well as the Ld. Defence Counsel are present.

The bail Applications are taken up for hearing.

During hearing, Ld. Advocate for the accused persons submits that the accused Goutam Kar @ Laltu, accused Sk. Amenun Gani are in judicial custody on and from 28.04.2017 and accused Sk. Amedulla @ Kamal, Sanjay Sai and Sk. Sahadat Ali @ Bhagna are in J/C on and from 29.04.2017. The C/S is present. So, there is no chance to temper the evidence of prosecution. On ground of detention, the accused persons may be released on bail, in any terms and conditions. Ld. Advocate for the accused persons also submit that there is no bail Application has been pending before the Hon'ble High Court, Calcutta or anywhere.

Ld. P.P-in-charge raises objection on bail prayer and submits that the materials are available in the C.D against the accused persons and the accused persons are identified during T.I. parade.

Considered the submission of both sides, I have gone through the FIR, C.D. & materials available in LCR and find that the C/S is present u/s 394/397/411 of IPC against all five accused persons. The seized articles are recovered. Further gone through the record and find that accused persons namely Goutam Kar @ Laltu, accused Sk. Amenun Gani are in judicial custody on and from 28.04.2017 and accused Sk. Amedulla @ Kamal, Sanjay Sai and Sk. Sahadat Ali @ Bhagna are in J/C on and from 29.04.2017 respectively.

In the light of above findings, my view that if, the accused have got bail then there is no chance to temper the evidence of prosecution. All the accused persons are permanent residence under jurisdiction of this court.

Hence, all five(05) accused persons namely Sanjay Sai @ Bhalu, Sk. Amenun Gani, Goutam Kar @ Laltu, Sahadat Ali @ Bhagna and Sk. Amedulla @ Kama may find bail of Rs.10,000/- each with two sureties, out of which one must be local of Rs. 5000/- each, subject to the satisfaction of Ld. ACJM, Haldia with condition to appear before this Ld. Court each and every date, so as fixed otherwise W/A would be issued automatically without any reason.

Let a copy of order be sent to Ld. ACJM, Haldia for information and compliance.

Fix 13.12.2017 for appearance and framing of charge.

Dic. & corr. by me.  
Sd/-  
Addl. Sessions Judge  
Fast Track Court, Haldia.

Sd/-  
Anil Kumar Prasad  
Addl. Sessions Judge  
Fast Track Court, Haldia.