

Special 03/2021
CNR no.WBHG-01-000327-2021

Order no.15 dt. 18.07.2023

One bail petition is filed on behalf of the three accused persons namely Surjeet Pattanaik, Vipin Kumar and Awadh Kumar Pandey together with surrender petition supported by vokatnama and certified copy of the order dated 13.04.2023 in connection with CRR no.4778/2022 and other documents in photocopies. One photocopy of the order dated 16.05.2023 of the Hon'ble Supreme Court of India in SLP(Cr) no.6476/2023 is also filed.

Surrender petition on being satisfied of the identity of the accused persons, is hereby accepted. They are accordingly taken into custody and remanded to J/C.

The bail petition is now taken up for hearing.

Heard both sides present. Considered.

Learned Advocate for the accused persons prayed for bail.

Learned Additional P.P placed his submission and adverted me to the gravity of the offence. He further submitted that the learned Court may consider the merits of the prosecution case and accordingly disposed of the bail application.

On careful perusal of the C.D and the case record and the papers filed by the accused side, it appears that charge sheet in the case is submitted long before on 31.03.2020. The order of the Hon'ble High Court at Calcutta in CRR no.4778/2022 reveals that this learned Court is to consider the bail prayer favourably, if any. I have also considered the nature of the case. Considering all aspects, this court is of the view that the accused persons should be enlarged on bail in interim form.

Accordingly, all the three accused persons may find interim bail of Rs.20,000/- each with one registered surety of Rs.10,000/-each and one local surety of Rs.10,000/- each I.d to J/C subject to the satisfaction of the learned C.J.M, Hooghly with condition to appear before this learned Court if and when called for without hampering the case progress.

Recall W/A pending against the accused persons. Inform concerned P.S.

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

Dictated & corrected by me

Sd/-
Additional Sessions Judge,
1st Court, Chinsurah

Sd/-
Additional Sessions Judge,
1st Court, Chinsurah.

Special 03/2021**Later dated 18.07.2023.**

At this stage learned Advocate for the accused persons submits that they are entitled to get copies of the police papers u/s 207 of Cr.P.C. Both sides are present.

Learned Additional P.P is directed to provide the copies in C.D, fixing **01.08.2023.**

Two separate petitions u/s 205 Cr.P.C is filed on behalf of the accused Shipra Pattanaik and Anand Raman. Separate vakalatnama are also filed therewith. On call none of the two accused persons are present before me. I am told that they are not surrendering and they have not prayed for bail today.

In such intervening situation, the petitions u/s 205 Cr.P.C appears premature as this learned Court cannot consider this two petitions in their absence. However, it is for the accused Shipra Pattanaik and Anand Raman to surrender before this learned Court vide directions given in the order dated 13.04.2023 by the Hon'ble High Court in CRR 4778/2022. I may remind by this order that the Hon'ble Supreme Court in the above SLP(Crl) nowhere directed to consider such petition in absence of the accused persons before this learned Court and especially when they did not surrender and pray for bail. ***Let both the petitions be kept with the record.***

Dictated & corrected by me

Additional Sessions Judge,
1st Court. Chinsurah

Additional Sessions Judge,
1st Court, Chinsurah.

