

Special – 03/ 2021

CNR No. - WBHG-01-000327-2021

Order No. 16 dated 01.08.2023

One bail petition is filed on behalf of accused person namely Sipra Patnaik together with surrender petition supported with 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 S.L.P(Cr.) no.6476/2023 is also filed.

Surrender petition on being satisfied of the identity of the accused person is hereby accepted. She is accordingly taken into custody and remanded to J.C.

The bail petition is now taken-up for hearing.

Heard both sides present. Considered.

Ld. Advocate for the accused person prayed for bail.

Ld. Addl. PP, Hooghly 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 person should be enlarged on bail in interim basis.

Accordingly the accused person namely Sipra Patnaik may find interim bail of Rs.20,000/- with one registered surety of Rs.10,000/- each and one local surety of Rs.10,000/- each id to J/C subject to the satisfaction of the learned C.J.M, Hooghly with condition to appear before the learned Court if and when called for without hampering the case progress.

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

Dictd. & Corrtd. by me.

Sd/-

A.D.J, 1st Court,
Hooghly.

Sd/-

Additional Sessions Judge, 1st Court,
Hooghly at Chinsurah.
J.O Code no.W.B 00753

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Later

Petition u/s 205 of Cr.P.C filed on behalf of the accused person earlier dated 18.07.2023 is taken-up for hearing today.

Heard both sides present. Considered.

Ld. Advocate on behalf of accused Sipra Patnaik prayed for exemption of the petitioner/ accused from her personal appearance on the ground as stated in the petition. It is urged that she is a resident of Dwarka Delhi as well as she has been suffering from chronic bronchitis. Under such position, it will not be possible for her to appear before this Court on each and every date.

Ld. Addl. PP raising strong objection submits that there can not be blanket exemption of personal appearance of the accused and if Ld. Court think so, the payer may be considered by giving suitable condition to appear on specific stage of this case.

I have considered the papers attached with the petition u/s 205 of Cr.P.C. I have also considered the grounds agitated therein. It appears that she is a resident of Dwarka Delhi which is far away from this Court. Moreover, she is a patient of chronic bronchitis. Transportation hazard for her cannot be overlooked. With certain conditions, the accused should be exempted from her personal appearance. However, section 205 Cr.P.C is applicable only to proceedings before the Magistrate. But I have based my

observations in light of the order passed by the Hon'ble Supreme Court of India in SLP (Crl) No. 6476 of 2023 dated 16.05.2023.

Hence it is

Ordered

that the petition filed by the accused / petitioner Sipra Patnaik is hereby allowed with condition upon her to appear at the time of consideration of charge, statutory examination u/s 313 of Cr.P.C, passing of judgment and moreover during the time of trial as and when required by the Ld. Court.

Accordingly, petition u/s 205 of Cr.P.C stands disposed of.

Ld. Advocate of the accused person namely Anand Raman not pressed the petition for hearing u/s 205 of Cr.P.C filed on the same date on 18.07.2023 on account of his death yesterday i.e on 31.07.2023.

Interim bail of all the three accused persons namely Surjeet Pattanaik, Vipin Kumar and Awadh Kumar Pandey remained continued till next date.

Fix **13.09.2023** for appearance of all the three accused persons including the accused Sipra Patnaik if on bail, filing death certificate of accused Anand Raman.

Dictd. & Corrted. by me.

Sd/-

A.D.J, 1st Court,
Hooghly.

Sd/-

Additional Sessions Judge, 1st Court,
Hooghly at Chinsurah.
J.O Code no.W.B 00753