

S.C. Case No. 207/2022

Order No. 04, Dated 20/12/22

Today is fixed for production of all the seven accused persons. Except the accused **Babai Bala** other six accused persons are produced from the J/C. At this stage one application is filed on behalf of accused Babai Bala.

The Ld. Advocate for the accused Babai Bala is ready and present to move bail matter on his behalf even when he is not produced.

The application for bail is taken up for hearing.

Heard Ld. Advocate for the accused and the Ld. P.P. , Hooghly.

Considered the rival submissions.

Ld. Advocate for the accused praying for bail submits that this accused person is falsely implicated in this case. This is a case u/s 307 IPC besides section 25/27 Arms Act. Such cases do not in general be tried keeping the accused persons in custody. He pressed that statement of Sanjoy Halder @ Bispai u/s 161 Cr.P.C. be looked through side by side the statement of the victim Toton Biswas. He be enlarged on bail hence, on any conditions.

Ld. P.P., Hooghly placed the C/D before me by folding pages after pages and invited my attention insofar as incriminating evidence against this accused is concerned. Motive in taking away the life of Toton Biswas is unflinching in C/D and the case record. Statement of the witnesses u/s 161 Cr.P.C. and statement under section 164 Cr.P.C., OPD patient card of this accused Babai Bala dated 06/08/22, TI parade report, arrest memo from where he was arrested, medical papers, QDEB report besides other materials lying in the C/D is tabled before me. He strenuously urged for custody trial of the case in respect of all accused persons and so, bail be rejected outright.

I have taken myself through the voluminous C/D of the case and looked through the materials lying therein in respect of present accused petitioner. He is an FIR named accused having direct involvement in shooting at the victim Toton Biswas with firearm in order to eliminate him finally with the active assistance of the co-accused persons. It is also appearing that he chose to leave India soon after the incident. The common object and concerted meeting of mind by him with others is visible from the evidence in C/D. It was not singular but plural attempt was made to kill the victim. Gang rivalry is apparent on the floor. I have also gone through the medical papers, QDEB report besides other documents including OPD ticket in C/D and case record.

In my consideration, letting off this accused on bail, will certainly hamper the trial and there is every possibility of gaining over the C.S witnesses and fleeing away from the process of the court. I have also noted the gravity of the offence and the nature of injuries sustained by the victim Toton Biswas. Story of gangs' rivalry cannot be sidekicked. The bail of the accused need be declined to which I accordingly treat.

Accordingly, bail prayer of accused Babai Bala stands **rejected**.

After hearing the Ld. P.P., Hooghly and the Ld. Advocate for the accused petitioner, physical presence of Babai Bala should be avoided and in this regard his attendance through V.C. will be appropriate.

Accordingly, accused Babai Bala be appeared through V.C. and the rest accused persons be produced as usual.

Fix **01/02/23** for production of the accused persons except accused Babai Bala through V.C. and charge consideration.

Let a copy of this order be sent to the concerned correctional home where the accused persons are lodged.

Dict. & Corrected by me

A.S.J.

Additional Sessions Judge, 1<sup>st</sup> Court  
Hooghly at Chinsurah