

S.T 30(05) 2023

S.C 207/2022

CNR no.WBHG-01- 004745-2022

Later order dt. 07.10.2024

All the 07 accused persons are produced from J/C.

After the evidence of P.W-9 is completed, the learned Advocate for the accused persons namely Babu Pal, Mantu Chowdhury, Tanmoy Howladar, Sanjoy Roy and Sekhar Dey commonly submitted before me that during their journey from the respective District Correctional Homes i.e. Purulia District Correctional Home in respect of the accused Babu Pal and from District Correctional Home Birbhum in respect of other above four accused persons, they are hardly permitted to go for nature's call and sometime not provided food in between the journey.

The learned Advocate for the accused Babu Pal more particularly submits that this accused is suffering from some lungs ailments besides other medical issues. So, necessary direction may be given to the Jail Authority of District Correctional Home, Purulia in this regard.

The learned Advocate present today on behalf of the learned Special P.P of this case (absent today) submits before me that he leaves the matter to the decision of the learned court to pass any necessary order, if so required by giving necessary direction to the Jail Authority.

After hearing the parties and personally hearing the aforesaid accused persons before me, I do hereby direct that the Jail Authority should take care of in respect of providing timely and proper food during the performance of their journey from the respective District Correctional Homes before this learned Court for the purpose of their production and trial in this case.

The Superintendent, Purulia District Correctional Home is specially directed to take all necessary measures for the treatment of the accused Babu Pal preferably within the Purulia District Correctional Home, and if so required by arranging and providing other medical needs to him.

The submissions made by the parties are accordingly addressed by this order.

Let a copy of this order be accordingly sent to the Superintendent, Purulia District Correctional Home and the Superintendent, Birbhum District Correctional Home for information and necessary compliance.

To date i.e. 04.11.2024 for production and compliance by the Superintendent, Purulia District Correctional Home & the Superintendent, Birbhum District Correctional Home.

Dictated & corrected by me

Sd/-

Additional Sessions Judge,
1st Court, Chinsurah
J.O Code no.WB00753

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Additional Sessions Judge,
1st Court, Chinsurah.
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later order dated 07.10.2024

The bail petition filed dated 26.09.2024 on behalf of the accused Babu Pal @ Goutam is now moved.

Heard both sides present. Considered.

The learned Advocate prayed for bail of this accused on the ground of his ailment and long detention in custody. It is also added with force that he is a victim of false implication at the hands of the so called victim party and the police. He has permanent hearth and home within the jurisdiction of this court. This is not a case for custody trial. Moreover, since after his arrest, he is languishing in custody. Learned court may be pleased to release him on bail on any stringent conditions.

The learned Advocate appearing on behalf of the Special P.P of this case raised strong objection against bail prayer. He submits that this is a fit case of custody trial. If this accused is granted bail, for all sure, he will abscond and will never come to the process of this court. The health ground of the accused can very well be taken up by the concerned Jail authority. The nature and the manner of committing broad daylight incident cannot be underscored.

The instant case shoot up resulting war between two rival gangs of the area. This is inter alia a case u/s 307/120B IPC read with 25/27/35 Arms Act. I have found direct materials against this accused revealing his involvement in the alleged incident upon Toton Biswas and another. The evidence in this case has fairly proceeded. The incident was committed in the premises of District Sadar Hospital. As regards his long detention, I decline considering the same for granting bail so much so the health issues can obviously be taken up by the concerned Jail authority, if and when required. Considering the nature and gravity of the offence and the materials in the CD, and the case record, his bail petition stands **rejected**.

To date (04.11.2024).

Dictated & corrected by me

Sd/-

Additional Sessions Judge,
1st Court. Chinsurah
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1st Court, Chinsurah.
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