

ST No.- 01 (02) 2020
SC- 172/2019.
CNR No.- WBHG01-005049-2019.

Order No. 23 dated 29.04.2021

Today is the date fixed for hearing of petition bail petition for accused Md. Akbar Ali and report from Superintendent of District Correctional Home, Hooghly.

The report from Superintendent of District Correctional Home, Hooghly along with one information letter regarding non production of all the accused is received. These are kept with the record.

Now, the bail petition for accused Md. Akbar Ali is taken up for hearing.

Ld. Advocate for the petitioner submits that this accused in Jail since 2018. Currently, this accused is suffering of stomach ailments in jail for which he needs proper treatment other wise his life will be at stake. He is the local person who has permanent home withing the jurisdiction of this court as such there is no chances of his abscontion. Furthermore, till date 10 witnesses of the prosecution has been examined and due to pandemic of covid -19 there is no chances of examination of further witnesses in the near future. Considering above fact and circumstances, the prayer of the bail of the petitioner be allowed in any terms and conditions.

Ld. P.P. in-charge submits that the allegation against the accused is very grave in nature. Moreover, the report of the Superintendent of District Correctional Home, Hooghly reflects that this accused is not suffering from any disease. Moreover, the prosecution witnesses have taken the name of this accused during their testimonies. Therefore, he has strong objection on the bail of the accused.

Heard, considered and after perusing the materials on record, I find that from the report submitted by Superintendent of District Correctional Home, Hooghly that this accused Md. Akbar Ali was sent to OPD of Hooghly DCH for preliminary medical check up on 13.11.2019 for complaint of insomnia and Anorexia and was treated accordingly. Thereafter, he was again sent to OPD of Hooghly DCH on 23.04.21 for complaint of Chest Pain and was diagnosed as acidity problem. Thus, he was discharged from the hospital on 24.04.21 and no significant pathology was found during that period clinically. Again, on 24.04.21 he was sent for medical check up at General medical, Imambara for complaint of loose motion and admitted therein. During that period, there was no history of loose motion for which he was discharge on 28.04.2021 and was diagnosed as AGE and at present he is quite OK. Therefore, after perusal of

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the medical report of the accused, it seems to me that he is quite normal as transpires from the report of Superintendent of District Correctional Home, Hooghly who has also attached the copy of the report submitted by Medical Officer of Hooghly DCH. Apart from that, from the case record and testimonies of witnesses it transpires that the allegation against this accused is grave in nature. Considering above facts and circumstances, I am not inclined to allow the prayer of the bail of this accused at this stage.

Thus, the bail petition filed for accused Md. Akbar Ali is hereby stands rejected without order as to cost.

Fixed 19.06.2021. for P.W.s.

D/C by me

S/d- Ms. V. B. Agarwal
Addl. District & Sessions Judge
3rd Court, Hooghly
JO Code- WB 01307

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