

Sessions Trial No.72/2016

Order no. 19 dt. 18.12.2019

Today is fixed for appearance of five accused persons on bail and production of two accused persons namely 1) Abhijit Pal @ Chottu @ Patol (in J.C.) & 2) Prabhat Das @ Alu (in J.C.) and evidence.

All the five accused persons on bail are present before the court by filing haziras and both the accused persons namely Abhijit Pal @ Chottu @ Patol is produced from Howrah District Correctional Home & the accused Prabhat Das @ Alu is produced from Presidency Correctional Home respectively. They are remanded to J.C. till 19.12.2019. No witness is present.

A petition is filed on behalf of two accused persons namely Abhijit Pal@ Chottu @ Patol and Prabhat Das @ Alu with the prayer for "allow same bail and also to furnishing bail bond."

Copy of the petition has been served upon the Ld. P.P-in-charge.

The record is taken up for hearing of the petition filed on behalf of both the accused persons who are in J.C.

Ld. Advocate for the accused persons submits that previously the Ld. Sessions Judge, Howrah on 16.09.2015 in Criminal Misc Case No.2027/15 had been pleased to allow the bail application on condition to furnish bail bond of Rs.5000/- with two sureties. He submits that subsequently, the Ld. C.J.M, Howrah passed the corresponding order of bail in view of the order of Ld. Sessions Judge, Howrah. He submits that previously both the accused persons did not furnish bail bonds complying the court's order. He prays for allowing both the accused persons on the same bail bonds and to furnish bail bond.

Ld. P.P-in-charge submits that admittedly order regarding bail of the accused persons is still existing and thus, the accused persons are at liberty to furnish bail bond before the court of Ld. C.J.M, Howrah in terms of the order of Ld. Sessions Judge, Howrah as mentioned by the defence counsel. He prays for passing necessary order.

Perused the materials on record. It appears to me that previously the Ld. Sessions Judge, Howrah as per the order dated 16.09.2015 passed in connection with CrI. Misc Case No.2027/15 allowed the prayer for bail u/s.439 Cr.P.C and ordered that accused persons might furnish bail bond of Rs.5000/- each with two registered sureties of Rs.2500/- each subject to the satisfaction of Ld. C.J.M, Howrah. It is seen that Ld. C.J.M, Howrah passed corresponding order on 24.09.2015 on receipt of the order of Ld. Sessions Judge, Howrah. So it is clear that such order granting bail to both the accused persons is still in force and the accused persons are at liberty to furnish bail bonds in terms of the order of the Ld. Sessions Judge, Howrah. The fact remains that both the accused persons ought to have furnished bail bonds soon after 24.09.2015 to avoid complications.

In view of the situation, this court finds that there is no scope of passing order to allow the accused persons to get release on same bail bonds. Since the order is in force, the accused persons are at liberty to furnish bail bonds. So there is no need to pass any separate order over this matter.

In view of the above observation, the petition of both the accused persons is disposed of.

To date (19.12.2019) for production of two accused persons, appearance of five accused persons on bail and evidence.

Addl. Sessions Judge,
4th Court, Howrah.