

S.C. 16 of 2022
CNR No. WBHW060000072022

Order No. 17 dated 18.08.2022

Today is fixed for hearing of the applications for bail filed on behalf of accused (1) Debasish Nayek (2) Abdul Alim Molla @ Laltu (3) Raju Das.

Ld. P.P.-in-charge is present.

It is submitted by the Ld. Lawyers appearing for the accused Debasish Nayek that his client is lying behind the bar for about more than 9 (Nine) months, though nothing is transpired against his client which can justify his detention any further.

So far as, the prayer for bail made on behalf of accused Abdul Alim Molla @ Laltu and Raju Das is concerned, it is submitted by their Ld. Lawyers that considering the period of detention of his clients bail may kindly be granted on any condition.

Ld. P.P.-in-charge has made a vociferous opposition against both the applications for bail. By referring relevant portions of the case diary Ld. P.P.-in-charge has tried to limn a picture of heinous acts occurred at the scene of offence by the accused persons resulting a brutal death of a person.

Being an inquirer of this proceeding this Court has traversed through the materials on record as well as C.D. for more than once. This case involves a barbarous death of a person having a deep rooted consequence in our society at large. This apart the case is lying at the stage of consideration of charge.

Considering the materials available, at this stage, this Court is of firm opinion that the materials, taken as a whole, pose and insuperable obstacles for all the 3 (Three) accused persons, who prayed for bail, to snatch away an Order in affirmative of their prayer.

Accordingly, **their applications for bail call for no action at this stage. The applications thus sans merit, deserve rejection, which this Court directs.**

The accused Manoj Singh, who is on bail, is absent by a petition on the ground of his illness. One medical document is also forthcoming. The prayer is considered and allowed with a specific direction upon the accused Manoj Singh to remain present on the date fixed positively.

It further appears from the record that another accused who is said to be the kin-pin of the incident alleged is also in custody of this case, though he fails to find his place in the charge sheet, being No. 4 of 2022 dated 24.01.2022 in connection with Penro P.S Case No. 120 of 2021 dated 30.10.2021, on account of the reason best known to the I.O. of this case namely Mr. Sudipta Das, the S.I. of Police, Penro P.S. However, it appears from the Order dated 04.08.2022 that Mr. Sudipta Das was present before this Court and submitted that since he is now posted elsewhere the necessary formalities would be made by subsequent Investigating Officers in order to file Supplementary Charge sheet against accused Sk. Miraj. Till today nothing is forthcoming from the end of the Prosecution, in this regard.

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In view of the above facts and circumstance, the Superintendent of Police, Howrah (Rural), is directed to look into the matter personally and to depute a competent Officer to make the loss good as early as possible. This Court wants to make it clear that any further numbness on the part of the police administration would compel this Court to take appropriate step in accordance with law.

A copy of this Order be forwarded to the Superintendent of Police, Howrah (Rural), Dist. Howrah, for information and necessary action under intimation to this Court.

Fixing 27.09.2022 for (i) production of the accused persons who are in J.C. (ii) appearance of accused Manoj Singh (iii) report from the Superintendent of Police, Howrah (Rural), (iv) Consideration of charge.

Accused persons be produced on the date fixed.

Dictated & corrected by me

Additional Sessions Judge,
Amta, Howrah
(J.O. Code : WB00883)

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