

**SC No. 181 of 2022**  
**Nagrakata P.S Case No. 115/22; Dated- 25.07.2022**

**Order dated 26.09.2022**

Present: Mir Rashid Ali, ADJ, Mal, Jalpaiguri

The case record is received from Ld. District Judge, Jalpaiguri for trial and disposal

Today is fixed for production and order.

Accused Ganesh Munda is produced from CCH, Jalpaiguri.

At this stage, the Ld. Lawyer for the accused files an application for bail duly supported by an affidavit.

The Ld. PP in charge is present.

Copy served.

The bail petition is taken up for consideration.

Heard the Ld. Lawyer on behalf of the accused.

Perused the bail petition duly supported by an affidavit which reflects that no bail application is pending before any higher forum.

The Ld. Lawyer for the accused Ganesh Munda submits that his client is in custody since for more than 60 days.

It is also submitted by the Ld. Lawyer on behalf of the accused that the accused is not required for the sake of investigation as charge-sheet has been submitted. It is also submitted that the injury, as allegedly sustained by the injured, is not fatal.

It is further submitted that the seized weapon is easily available in the market and is not seized leading to discovery. The Ld. Lawyer further submits that there is delay in lodging the FIR.

The Ld. Lawyer for the accused thus prays for bail on any terms and condition

The Ld. PP in charge raises objection and submits that there is material in the alleged offence and charge sheet has been filed finding prima facie case by the investigating agency. Ld. PP in Charge further submits that justice could be substantiated if vital witnesses including the VG are examined.

Heard both sides.

Considered.

It is found on perusal of the record including the 164 CrPC Statement that it is precarious to release the accused on bail at this stage without examining the vital witnesses.

Hence, the prayer for bail is considered and rejected.

To date 07.11.2022 (due to ensuing puja vacation) for production and charge.

Dict. & Correct. By me

A.S.J.

Addl. Sessions Judge, Spl. POCSO  
Court, Mal, Jalpaiguri.