

G.R – 03 of 2021

CNR No.- WBND010059182021

JO Code – WB00731

R- 03/2021

Order No. 08, dated – 30.09.2022.

C.C.L Boy Toofan Das @ Tufan Das is produced from Children Home for Boys at Ghurni, Krishnagar, Nadia.

The bail application filed on behalf of the C.C.L Boy on 29.09.2022 is taken up for hearing.

Ld. Spl. P.P representing the C.B.I is very much present.

I have heard Ld. counsel for the C.C.L Boy and Ld. Spl. P.P of C.B.I.

Ld. counsel for the C.C.L Boy submitted that the C.C.L Boy is in custody since 07.10.2021 and there is nothing left for further investigation in this case as charge has already been framed. He further submitted drawing my attention to the case record that there is no possibility of commencement of immediate trial because since after framing of charge the investigating agency not able to produce any evidence although as many as six days were fixed by this court for the same. He also submitted that to enable the C.C.L Boy to continue his further studies and also to allow him to enjoy festive season with his family inmates, prayer for bail is liable to be allowed.

Ld. Spl. P.P of C.B.I on the other hand raised vehement objection, contending that the charge has already framed against this C.C.L Boy and due to some technical reason as the original document is lying with another court in connection with self same case the agency not able to produce evidence as yet but soon they will be able to adduce evidence. He further submitted that allegation against this C.C.L Boy is very serious in nature and releasing him on bail will enable the defence to tamper with the evidence.

I have considered respective submissions.

Perused the case record.

It appears from the record that in this case charge-sheet was filed long ago and subsequently this court having heard both sides and considered the materials framed charge as against this C.C.L Boy for facing trial for commission of offences punishable U/S 302 of the I.P.C along with other minor sections because allegedly he was actively involved in a mass movement resulting to death of a person. The record further suggests that the C.C.L Boy was initially produced before the Juvenile Justice Board on 07.10.2021 and subsequently, Ld. Juvenile Justice Board by it's order dated 30.11.2021 transfer the case to this court in terms of provision 18(3) of the Juvenile Justice (Care Protection of Children) Act, 2015 and since then the C.C.L Boy is producing before this court and ultimately this court framed charge against the accused and fixed dates for evidence.

The record further suggests that this court so far fixed as many as 05 days for evidence but the investigating agency not able to produce evidence as the parent case relating to this case in respect of other co-accused persons is lying pending before the Ld. Additional Sessions Judge, 3rd Court, Krishnagar and all the original documents including F.I.R, etc. are lying with that record. So, the fact remains that without trial of that case this court will not in a position to proceed with the trial as well the agency also not able to proceed with this case. Resultantly this C.C.L Boy will be detained in custody for indefinite period.

Contd.....

I have so far counseling with the C.C.L Boy is satisfied that he will obey a normal lifestyle and may not involve in similar offence any further. So, I am of opinion that if the C.C.L Boy is released from Children Home in the custody of his mother no harm will be caused for him.

Mother of the C.C.L Boy is also very much present in court and she assured that the C.C.L Boy will behave as a good citizen on his release.

As such the C.C.L Boy is released on executing a bond by mother of the C.C.L Boy of Rs.1,00,000/- (Rupees One Lakh) with an undertaking that he will not be involved in similar offence during the period of release.

The C.C.L Boy is also cautioned by this court to behave properly failing which this order will be stand canceled and he will be taken into custody by this court.

Let the C.C.L Boy be released on execution of the bond by the mother of the C.C.L Boy failing which he will be in Children Home for Boys, Ghurni, Krishnagar, Nadia, till 03.01.2023.

Let a copy of this order be sent to the Superintendent of Children Home for Boys, Ghurni, Krishnagar, Nadia, for information and necessary action.

Dictated & Corrected

Addl. Sessions Judge
2nd Court
Krishnagar, Nadia.

Addl. Sessions Judge
2nd Court
Krishnagar, Nadia.

No.

Dated – 30.09.2022.

Copy forwarded to :

The Superintendent of Children Home for Boys, Ghurni, Krishnagar, Nadia, for information and taking necessary action.

Addl. Sessions Judge
2nd Court
Krishnagar, Nadia.