

Present: SUTIRTHA BANERJEE[J.O. Code WB-00980]

Additional District & Sessions Judge , 1st Court, Bongaon

North 24 Pgnos

Order no. 19 dated 20/2/2025

Today is fixed for appearance and E/R of W/A with respect to accused Raju Halder.

Accused (3) on bail present by filing hazira.

Accused Raju Halder who surrenders before the Court.

He is taken into custody and remanded to judicial custody till 3/3/2025.

Recall W/A issued.

Ld. Advocate for accused who files fresh power prays for bail on ground that accused failed to take steps due to miscommunication with his previous Ld. Advocate. Ld. Advocate for accused also undertakes to produce the accused on each subsequent date.

Ld. Public Prosecutor in charge of this case takes no steps.

Ld. Public Prosecutor in charge, Bongaon who has been served with copy of bail petition raised objection.

Heard both sides. Considered.

It appears accused was on bail earlier and was regularly attending Court and suddenly stopped taking steps. Accused has attributed his sudden absence to miscommunication with his Ld. Advocate and regarding this the Court is inclined to afford the benefit of doubt to the accused moreso considering his apparent physical condition.

In **Sanjay Chandra v. CBI, (2012) 1 SCC 40** the Hon'ble Apex Court has held:

“21. In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it is required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty.....

23. Apart from the question of prevention being the object of refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and it would be improper for any court to refuse bail as a mark of disapproval of former conduct whether the accused has been convicted for it or not or to refuse bail to an unconvicted person for the purpose of giving him a taste of imprisonment as a lesson.”

Accused was negligent in attending Court for which W/A was issued but to refuse bail to him would tantamount to expressing disapproval of previous negligent conduct which is not the spirit of law.

Considering the above and voluntary surrender of accused, bail prayer is allowed.

Accused may find interim bail on furnishing bond of Rs 2000/- with one surety of like amount **[but different from previous surety]** subject to satisfaction of Ld. A.C.J.M. , Bongaon i/d to judicial custody till 27/2/2025 with further condition to attend Court regularly hereinafter and not to commit and/or indulge in any act similar to the offence for which he has/they have been indicted in this case and not directly or indirectly making any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer or tamper with the evidence.

If on bail, to 21/4/2025 for appearance and consideration of charge.

.Let a copy of this order be sent to Ld A.C.J.M. , Bongaon for his information at once.

