

SPL(P)42/2017

**Sri Sutirtha Banerjee (JO Code WB 00980),
Additional District & Sessions Judge
1st Court, Bongaon, North 24 Parganas (in-charge)**

Order No.44

25.04.2024

Record is put up on prayer of accused Sudip Hira who surrenders before the Court.

He is taken into custody and remanded to judicial custody till 7/5/2024.

Recall W/A issued.

Ld. Advocate for accused prays for bail on ground that accused failed to take steps due to miscommunication with previous Ld. Advocate.

Ld. Public Prosecutor in charge raised objection.

Heard both sides. Considered.

It appears accused was on bail earlier but has indeed been negligent in attending Court which accused has attributed to miscommunication with his Ld. Advocate and regarding this the Court is inclined to afford the benefit of doubt to the accused.

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 7/5/2024 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 date i.e. 21/5/2024 for appearance and evidence. Let a copy of this order be sent to Ld A.C.J.M. , Bongaon for his information at once. Let also a copy of this order be sent to concerned P.S. with direction to return the recalled W/A issued against the accused.

D/C by me

Additional Sessions Judge, 1st Court (I/C)
Bongaon North 24 Parganas.