

Order no. 4
Dated, 08.02.2019

Out of two accused persons, one accused namely Nuruddin Sk. is present by filing hazira. The other accused person Hamidul Sk is produced from J.C. He is taken into custody. Bail petition is filed on behalf of accused Hamidul Sk. Perused the bail petition. Heard ld. lawyer appearing on behalf of the accused Hamidul Sk who submits that the accused person is in custody for 102 days, the co-accused person is on bail and that the victim did not state the name of this accused person in her statement recorded u/s 164 of Cr.P.C.

In this case no P.P. in charge has been appointed till now. So, there is no scope to consider the materials in C.D. However, I have carefully gone through the L.C.R. and I find that the charge sheet was submitted in this case u/s 365/366/370/417/376 of IPC against both the accused persons on 18.06.2016 showing accused Hamidul Sk as absconder. The bail prayer of this accused person u/s 439 of Cr.P.C. has been rejected twice. As investigation has been completed and charge sheet has been submitted against the accused persons, it is clear that a prima facie case has been made out against them. Trial of this case will be started within a very short time after appointment of P.P. in charge. Therefore, considering the nature of the offence and other aspects of the matter, I do not find any ground to grant bail to accused Hamidul Sk at this stage. Hence the prayer for bail is rejected.

To 08.03.2019 for production, appearance and appointment of P.P.

Let a copy of this order be sent to the ld. District P.P. North 24 Parganas for appointment of P.P.

Corrected by me.

Additional District Judge,(F.T.C)
3rd Court, Basirhat.