

15.11.18.

Accused persons, namely, Bipadtaran Paramanik and Dipesh Paramanik are produced from J.C.

Ld. Advocate for the accused persons files one petition praying for releasing the accused persons on bail.

Copy served.

Heard the Ld. Advocate for both the sides.

Ld. Advocate for the accused persons submits that the present case has been initiated on the basis of a court complaint and accused persons after complying the notice issued u/s 41 Cr.P.C, surrendered before this court. He further submits that during investigation no attempt was made by the I.O for taking the accused persons in custody. Even during judicial custody of accused persons no prayer has been made to that effect. According to him custodial interrogation of the accused persons are not necessary at all in this case as substantive part of investigation has already been over. He further submits that accused persons are men residing within the jurisdiction of this court and they will not abscond or tamper with the prosecution witness, if they are released on bail. Accordingly he prays for releasing the accused persons on bail.

Ld. P.P on the other hand submits that during investigation some documents have been seized and investigation is in progress. He further submits that prima facie case against the accused persons has made out for the reasons stated above. He raises objection releasing the accused persons on bail.

Perused the C.D and other materials on record. On perusal of the record I find that present case has been initiated on the basis of a complaint lodged by defacto complainant u/s 156(3) of Cr.P.C over the incident dated 29.3.17 and 7.7.18. The fact remains that during investigation notice u/s 41 of Cr.P.C was issued upon the accused persons and in pursuance of that notice, accused persons met with the I.O and interrogated by the police but at that point of time none of the accused persons were arrested. Moreover, on 13.11.18 both the accused persons voluntarily surrendered before this court and they were taken into custody. This time also no prayer has been made on the part of investigating agency praying for taking the accused persons in their custody for the interest of investigation. The facts as stated earlier

manifests that custodial interrogation of the accused persons are not required for the interest of investigation.

Considering the facts as stated above, I am inclined to release the accused persons on bail. Accordingly, accused persons, namely, Bipadtaran Paramanik and Dipesh Paramanik may find an interim bail of Rs.5000/- each, with two registered sureties of Rs.2500/- each, subject to satisfaction of the Ld. CJM, Purulia and on further condition that accused persons to meet with the I.O once in a week till further order.

If on bail, 30.11.18 for appearance and I.O's report.

Let a copy of this order be sent to the Ld. CJM, Purulia for information and necessary action.

Dictated & Corrected by me

Addl. Sessions Judge
1st Court, Purulia.

Addl. Sessions Judge
1st Court, Purulia.