

S.C. (Spl) No. 25 of 2024

22.05.24

Accused Sukanta Nandi is produced from J/C and taken into custody.

Ld. Advocate representing the accused person is present.

Ld. PP, Purulia is also present with the case diary.

Case record is taken up for hearing the bail petition submitted by Id. Advocate for the accused.

Ld. Advocate for the accused at the very outset of his submission contended that the FIR does not reveal anything to attract the rigor of the offence of SC & ST (POA) Act, 1989 but subsequently the IO of this case has added the said offence in order to prolong the detention of the accused person in the custody. He added to his submission that in this case the accused is suffering incarceration since 26.03.24 and in this case the investigation must have progressed much. Finally the Id. Advocate for the accused contended that the allegation of offence u/s 304 IPC speaks galore that the accused did not have any intention to kill the victim. Thus, he prayed for bail of the accused in any condition.

Vehemently opposing the bail prayer of the accused person Ld. PP, Purulia submitted that in this case the gravity of the offence is such that tension is still prevailing in the locality for a hospital employee to assault a patient and to kill her. Thus, the Ld. PP submitted that the accused should not be enlarged on bail at this stage. At the same time the Ld. PP conceded to the submission of the defence that the allegation to attract the offence of SC & ST (POA) Act was not there in the written complaint and it was added subsequently owing to the fact that the victim belonged to SC & ST community .

After hearing trenchant submissions of both the sides and having scrutinized the materials of the case record as well as CD it is deciphered that the present accused person is a scavenger employed in the hospital as a contractual employee and it emerges from the record that at the time of the alleged incident he was not doing duty in the hospital. But the case diary brings out that there is CCTV footage of the alleged incident and there is also an ocular witness of the incident of alleged assault by the accused person. At the stage of bail hearing it cannot be considered as

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to whether offence under SC & ST (POA) Act is attributable to the accused person or not. But considering the nature of allegation and the heinousness of the crime I am of the view that the accused person should not be enlarged on bail at this stage. Hence the prayer for bail is rejected.

To **24.06.24** for production of the accused person.

Dictated and Corrected by me

Addl. Sessions Judge
1st Court, Purulia, I/C

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