

**Order No.34, dated 16.09.2023**

Today is the date fixed for evidence.

Witness Anirban Haldar I.O of the case is present and adduced evidence as P.W.1 and he is cross examined and is discharged.

The accused is produced from J/C.

Ld. P. P. in charge is present and prayed for issuing summon to adduce further.

Ld. Advocate for the accused filed a petition praying for bail and Mr. Rupam Kumar Srivastav State Defence Counsel also appeared and submitted before this court to the effect that his appointment has not yet been cancelled till date and is still in force and also submitted that the accused be released on bail on any condition and misuse liberty by the accused be condoned.

Perused the case record.

It appears that the accused was arrested on 07.11.2014 in Budge Budge PS case NO. 486/14 dated 07.11.2014 under section 379/411/413/414/34 and was produced on 08.11.2014 and remanded to J/C till 21.11.2014 and subsequently on 12.11.2014 obtained bail for Rs. 5000/- with two sureties of Rs. 2500/- each after a period of remand.

On 21.11.2014 the bail was confirmed. Charge sheet was submitted on 07.03.2015 and cognizance was taken.

Since after obtaining bail accused did not appear in court and one after another date was deferred due to absent petition by the Ld. Advocate of the accused and finally on 12.06.2017 warrant was issued.

Accordingly on 05.09.2017 the accused was brought under arrest and on the date of arrest and on the date of production the accused was released on bail of Rs. 2000/- with one surety and the bond was not submitted accordingly the accused was sent to correctional home by the Ld. A. C. J. M, Alipore vides its order dated 05.09.2017 directing the accused to be produced before the Ld. Sessions Judge on 16.09.2017 and thereby committed the case.

Subsequently, on an application dated 18.11.2017 the accused was released on bail.

Immediately after his release the accused again absconded since from the next date of his released viz. since from 20.12.2017 but the warrant was pending till 30.10.2019 and until he was brought under arrest and thereafter Mr. Sanjoy Chakraborty Advocate, Mr. Ramapada Jana Advocate and Mr. Rupam Kr. Srivastav were appointed as State defence lawyer to defence the accused.

Upon careful perusal of the case record it appears that the accused since after obtaining bail the accused started absconding and repeatedly misused the liberty.

That apart the trial of the case has been commenced and most of the witnesses not yet examined and there shall be every chance for tampering evidence and to prevent the trial of the case of being frustrated, prayer for bail should not be favourably considered, in view of his repeated misuse of liberty.

Under such circumstances it is held that this is the fit case for custody trial and accordingly the prayer for bail is rejected.

The accused is remanded to J/C till 07.10.2023.

To 07.10.2023 for evidence and production of the accused.

D/c by me.

A. D. J.

A. D. J, 17<sup>th</sup> Court, Alipore.