

SC 13 (01) 2020

Reg. 16/2020

Order no. 49

29.08.2023

The record is put up by petition. Accused namely ***Saifuddin Sardar @ Sujauddin*** surrenders before the Court on this day. He is taken into custody and remanded to J.C. A bail application has been filed on behalf of the accused praying for grant of bail on the ground stated therein.

Copy of the bail application has duly been served to the Ld PP.

Heard both sides.

Ld Advocate for the accused prays for bail on the ground of misposting of date in Advocate's diary for which the accused could not appear before the Court on scheduled date and consequence thereof warrant of arrest has been issued against him.

The Ld Advocate for the accused further contended that the accused has surrendered voluntarily with bonafide intention to face the trial and as such there is no necessity to keep the accused behind the bar for the purpose of proceeding with the case.

Ld PP does not raise objection considering the voluntariness of the accused.

While dealing with bail application, the Court is required to ascertain whether there is any likelihood absconsion of the accused or fleeing away from justice or not.

This case is at the stage of consideration of charge which goes to show that the charge sheet has already been filed and there is no apprehension of tampering with the evidence. Moreover, the accused has surrendered voluntarily with his bonafide intention to face the trial for which he is not required to be detained in judicial custody unnecessary.

Having regard to the voluntariness of the accused to face the trial and also giving thoughtful consideration with regard to non-feasibility of tampering with the evidence or fleeing away from justice, I am inclined to enlarge the accused on bail.

Hence, the accused namely ***Saifuddin Sardar @ Sujauddin*** may find bail of Rs. 2,000/- with two sureties of Rs. 1,000/- each to the satisfaction of Ld ACJM, Sealdah on condition to appear before the Court on each and every date fixed by the Court, i/d to JC. If on bail to date for appearance.

WA issued against accused ***Saifuddin Sardar @ Sujauddin*** be recalled at once.

D/C

Bikash Lama

J.O. Code WB00935

ADJ, F.T.C-I

Sealdah, 24PGS (S).