

ST 01 (01) 2023

Reg. 68/2020

Present- Sri B. Lama, ADJ, F.T.C-I, Sealdah.

Order no. 51

02.08.2023

The record is put up by petition. One bail application has been filed on behalf of accused **Biswajit Das**. Copy of bail application has duly been served upon the Ld PP-in-charge.

Heard both sides at length.

Ld Advocate for the accused highlighted the detention of the accused in JC as the principal ground for grant of bail. It was submitted before the Court that the accused in question has been languishing in Judicial Custody without trial and further more other accused persons have been enjoying the liberty of bail.

Therefore, as per Ld Advocate for the accused, the detention will not serve any fruitful purpose to the prosecution as there is less feasibility of proceeding with the trial at the earliest opportunity.

Ld PP-in-charge raises objection citing the ground of misuse of liberty by the accused.

It is no brainer that the accused has misuse the liberty but he has been brought under arrest and has been detained in custody for considerable period. Co accused persons are enjoying the liberty of bail. This accused, being stood on the same footing, deserves lenient approach while deciding fate of the bail application. There is no question of tampering with the evidence as the charge sheet has already been filed. There is hardly any chance of manupulating or gaining over the prosecution witnesses as most of them are the police personnel.

Having regard to submission of respective counsels for the State as well as the accused person, the filing of chargesheet, the detention of accused person in custody and grant of bail to other co-accused persons, I am inclined to enlarge the accused person on bail.

Accordingly, accused person may find bail of Rs. 3,000/- each with two sureties of 1500/- each one of whom must be a local surety subject to the satisfaction of Ld ACJM, Sealdah, i/d to JC. If on bail to date for appearance.

Let a copy of this Order be communicated to the Office of Ld ACJM, Sealdah for his information and further necessary action.

D/C

Bikash Lama
J.O. Code WB00935
ADJ, F.T.C-I
Sealdah, 24PGS (S).