

ST 05 (08) 2023

Reg. 99/2000

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

Order no. 25

17.08.2023

Today is fixed for production and consideration of charge. Sole accused is produced from JC.

Ld P.P as well as defence counsels are also found present in Court.

Heard both sides. Perused the CD and other materials available on record. Considered.

Hence, the charge is framed against the accused person and the particulars of charge framed in separate sheet U/S 379/328 of I.P.C were read over and explained to the accused person in Bengali to which he pleaded not guilty of the offence by saying "Ami Nirdosh" and claimed to be tried in open Court of law.

Considered.

Fix 13.10.2023 for evidence of CSW no. 1.

The prosecution is directed to cause production of relevant witness on the date fixed.

The charge framed in separate sheets be kept with the record.

D/C

Bikash Lama

J.O. Code WB00935

ADJ, F.T.C-I

Sealdah, 24PGS (S).

Later:

Bail application has been presented on behalf of the accused praying for bail on the ground stated therein. Copy has duly been served upon Ld PP. Heard both sides at length.

The Ld Advocate for the accused highlighted the ground of detention as principal ground for grant of bail to the accused and contended that further detention in JC will not serve any purpose to the prosecution.

The Ld PP-in-charge does not raise objection and fairly submits before the Court that grant of bail demands imposition of stringent condition to secure the presence of accused during trial.

Perused the case record and other materials available on record. This is a case u/s 379/328 of IPC and the accused has been languishing in Judicial Custody since 20.02.2020. The charge sheet has already been filed by the IO of the case and as such there is no likelihood of tampering with the evidence. The accused has got his permanent residence within the territorial jurisdiction of Panchasayar police station and as such there is no apprehension of fleeing away from justice. The further detention of the accused in JC shall not serve

any purpose and will definitely amounts to mere detention without any reasonable justification. The liberty of an individual should be treated as extremely cherished fundamental right guaranteed under the Indian constitution and for that the Court should adopt cautious approach to prevent unnecessary and unwarranted detention. Where there is no question of manipulation of investigating agency, tampering with evidence and fleeing away from justice, I do not find any reasonable justification in keeping the accused behind the bar only for the purpose of proceeding with the trial of this case.

The bail prayer, therefore, is found to be on merit and accordingly the same stands allowed. Hence, the accused namely **Palas Roy** may find bail of Rs. 2,000/- (Rupees two thousand) only with two sureties of Rs. 1,000/- (Rupees one thousand) each one of whom must be as local surety to the satisfaction of Ld ACJM, Sealdah, i.d. to JC. If on bail to date for appearance and evidence.

Fix 13.10.2023 for appearance and evidence of CSW 1.

Let a copy of this order be transmitted to the office of Ld ACJM, Sealdah for his information and further necessary action.

D/C

Sd/- B. Lama

J.O. Code WB00935

ADJ, F.T.C-I

Sealdah, 24PGS (S).

Memo No.

Date: 17.08.2023

Copy forwarded to:

Ld ACJM, Sealdah for his information
and further necessary action.

ADJ, F.T.C-I

Sealdah, 24PGS (S).