

**In the Court of Additional District & Sessions Judge, 1st Court, Sealdah,
South 24-Parganas,**

Present: Sri. Bibhas Chatterjee

Sessions Case – 05 (11) 2022

G.R Case No.182 (1)2022

Central Filing No- /2022

The State of west Bengal

-Vs-

1. Pintu Nandi @ Babusona
2. Debendra Sarkar
3. Abhiji Bhattacharyya

.....Accused Person(s)

Order No-1 dated 11/11/2022

This case is committed to this court by the Ld. A.C.J.M I/C, G.R.P. File at Sealdah, being **G.R. No. 182(1)2022** of **Naihati G.R.P.S. Case No-40/2022 dated 13.08.2022 U/s 3/4 of E.S. Act.**

Cognizance of the offence is taken.

Register.

Ld. PP-in-charge Lili Kumar appears on behalf of prosecution.

Accused no.2 Debendra Sarkar on court bail is present by filing hazira. On behalf of the accused Ld. Lawyer appears by filing vakalatnama and also files a petition praying for remaining in the same bail and confirmation of the AI bail granted by ACJM, Sealdah, in charge.

Heard. Considered. Prayer for remaining in the same bail is allowed.

Prayer of the accused Debendra Sarkar for confirmation of AI bail is considered and rejected.

AI bail granted to accused Debendra Sarkar by Ld. ACJM, Sealadah, in charge is extended to 10.01.2023.

Accused no. 1. Pintu Nandi and and 3. Abhijit Bhattacharyya are produced from J/C.

Ld. Lawyers file two separate vakalatnamas on behalf of the accused persons namely Pintu Nandi and Abhijit Bhattacharyya.

Ld. Advocates file two separate petitions for bail on behalf of the accused persons namely Pintu Nandi and Abhijit Bhattacharyya wherein they pray for releasing the accused persons on bail on the ground stated therein.

Both the bail petitions is taken up for hearing.

Heard ld. lawyer of both sides.

Ld. Advocate appearing on behalf of the for the accused person namely Pintu Nandi submits before this Court that the accused is languishing custody for last 90 days. He further submits that in the instant case the case charge sheet has already been submitted after completion of the investigation under section 3/4 of Exclusive Substance Act. He also submits that if the accused person above named be released on bail at this stage, the prosecution case will not be prejudiced and accordingly, prays for releasing him on bail by imposing any condition upon him.

Ld. Advocate appearing on behalf of the for the accused person namely Abhijit Bhattacharyya submits before this Court that the accused voluntarily surrendered before this court and unfortunately Ld. Magistrate was pleased to reject the bail prayer of the accused and since then the accused is detained in custody for last 67 days. He further submits that in the instant case charge sheet has already been submitted after completion of

investigation and accordingly, prays for releasing him on bail by imposing any condition upon him.

Ld. P.P.-in-charge raises strong objection against the instant bail prayer of the above named accused persons and also submits that there are sufficient incriminating materials against the accused persons and if the accused persons be released on bail at this stage, the prosecution case will be prejudiced and accordingly, prays for rejection of the bail prayer

Considered the rival submissions of both sides and on perusal of the record, it reveals that the instant case has been culminated in filing of the charge sheet against the accused persons vide charge sheet no. 39 of 2022 dated 16.10.2022 U/s 3 /4 of Exclusive Substance Act, 1908.

We know that filing of charge sheet is a substantive development in course of investigation in changed circumstances. Not only that when the charge sheet has been filed against the accused there is a bleak possibility in tampering with the prosecution evidence.

Considering the above facts and circumstances and on perusal of the materials on record, I am of the view that keeping the accused persons any further behind the bar is not necessary and as such, I find no justification to refuse the bail prayer of the accused persons at this stage. Accordingly, the bail prayers are hereby allowed.

Let the accused persons namely **Pintu Nandi and Abhijit Bhattacharyya** be released on **interim bail of Rs.6,000/- each with two sureties of Rs. 3000/- each, one must be lawyer's surety** to the satisfaction of the ld. A.C.J.M., Sealdah, in charge with a condition that accused persons should not leave the jurisdiction of this court without prior permission of this Court. Accused persons are further directed not to threat or to make influence to the witnesses of this case and in the event of any reporting to this end on

that score, the interim liberty so given, to the accused persons stand canceled and the accused will be taken into custody.

To **10.01.2023** for appearance if bail bond files as ordered in the mean time and for appearance for the accused who are already on bail and supplying of copies and for passing order.

Case diary be returned.

Let a copy of this order be sent to the Ld. ACJM, Sealdah, in charge for information and necessary action.

D/c by me

ASJ-1 in charge

Addl. Sessions Judge,
1st Court, in charge