

S. T. 01(03)2024.
S. C.02(11)2023.

Order No.01.

Dated 14.03.2024.

Today is fixed for production and consideration of charge.

Sole accused person namely, Biswanath Chowhan @ Dengo is present filing hazirah.

Ld. PP in-charge Sk. Motilal is present with the C.D and files letter of appointment.

Ld. Advocate for the accused person is also present.

Perused. Heard both sides.

The case record is taken up for consideration of charge on the prayer of both parties.

Ld. PP in-charge opens the case.

Heard the Ld. PP in-charge who submits that there is sufficient materials to constitute charge against the accused person u/sec.307 of the Indian Penal Code.

Having heard the contentions of both the sides and the materials on record as well as case diary, I am the view that there is sufficient incriminating materials against the accused person for committing an offence u/sec.307 of the Indian Penal Code for which the accused person can be tried.

Accordingly, charge is framed against the accused person u/sec.307 of the Indian Penal Code in a separate sheet which is kept with the record. The contents of the charge is read over and explained to the accused person in Bengali to which the accused person pleads not guilty by saying "Ami Nordosh" and claims to be tried.

Fixing 25.04.24 for evidence.

The Investigating Officer is directed to take necessary steps for producing the witnesses on the date fixed.

Let a copy of this order be sent to the I.O of this case, SI Tanmoy Adhikary (Manicktala PS Case no.168/23 dated 14.07.23) for information and necessary action.

Prosecution to take steps.

Issue summons accordingly.

At this stage, one application has been submitted on behalf of the accused person praying for his release on bail.

Perused. Heard both sides.

No bail application has been filed or pending or rejected before any superior Court for the petitioner, as submitted by the Ld. Defence Counsel which is endorsed by the Ld. Prosecution.

Perused the petition, L.C.R and C.D.

It has been contended on behalf of the accused that the petitioner is absolutely innocent and has been falsely implicated in the present case.

Ld. PP in-charge raises vehement objection against the prayer for bail placing the case diary before this Court.

Upon perusal of the case diary and materials on record it appears that the charge has been framed against the accused person in respect of the offence punishable u/sec.307 of I.P.C. Nature of the offence is grave. Incriminating materials are said to have been collected against the accused during investigation. Charge has been considered as on this date and evidence is yet to be recorded. At this stage, if the accused is enlarged on bail there is every possibility that the accused might attempt to influence vital witnesses.

In view of the aforesaid facts and circumstances, I am not inclined to enlarge the accused person on bail at this stage. Hence, the prayer for bail of the accused stands rejected.

To date for appearance and evidence.

D/C by me,

ASJ, FTC-II, Sealdah.

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