

WBUD010012322025



Sessions Case/88/2025

STATE OF WEST BENGAL Vs. Sumit Nag

Order No.04

Dated. 14.05.2024

Today the case is fixed for production of the accused person.

Accused person Sumit Nag @ Puchka is produced from J.C through V.C.

A bail petition is filed on behalf of the accused person namely Sumit Nag @ Puchka along with Vakalatnama. Copy is served to the Ld. PP-in-Charge.

Prosecution files hazira.

Ld. PP-in-Charge and Ld. Lawyer for the accused person are present.

Record is taken up for hearing of bail petition.

Ld. Lawyer for the accused person namely Sumit Nag @ Puchka submitted that the accused person is innocent, he has been falsely implicated in this case and there is no chance of his absconding. He has no nexus with the alleged crime. Nothing has been recovered from the possession of the accused person. It is further submitted referring the decision of **Hon'ble Apex Court dated 07.02.2025** in the case of **Vihaan Kumar vs. State of Hariyana & another** and the decision of **Hon'ble Calcutta High Court dated 25.04.2025 in CRM (DB) No. 194 of 2025 with CRM (DB) No. 350 of 2025** that the grounds of arrest of the accused person was not duly informed to the accused person at the time of his arrest. Neither the Arresting Officer nor the Investigating Officer communicated the grounds of arrest either in writing or orally in the vernacular language. Further more intimation about grounds of his arrest was provided to his relatives, friends or any other persons. There is no reflection in the Memo of Arrest and the forwarding report that the accused person was duly informed of the grounds for his arrest. In this case the right of the accused person has been violated under article 22(1) of the Constitution of India as the accused was not informed of the grounds for his arrest. In view of the decision of Hon'ble Courts the accused person may be enlarged on bail.

Ld.Spl.PP strongly opposed the prayer for bail of the accused person.

Perused the entire materials on record from which it reveals that charge sheet has been submitted against the accused person namely Sumit Nag @ Puchka and others under section 302/201/120B/34 of IPC read with section 25(i)a/27/35 of Arms Act.

On careful perusal of entire materials on record, I find from the forwarding report that the ground of arrest has been duly communicated to the accused person and the Memo of Arrest is duly signed by witness in column no. 10 of printed form. As per submission of Ld. Lawyer of defence that the witness is not a family member or relative of the accused person. It appears from it that respectable person of the locality may sign in the Memo of Arrest as a witness.

On perusal of the entire materials on record as well as CD I find that the charge of offences as alleged against the accused person are serious in nature. Considering the gravity of offence I am not inclined to enlarge the accused person namely Sumit Nag @ Puchka on bail.

Hence, bail prayer of the accused stands rejected.

Accused be remanded to J.C. till 23.06.2025

To **23.06.2025** for production and consideration of charge.

D/C

(Madhumita Roy) (WB00699)
ADJ FTC-II, in-charge,Raiganj,
Uttar Dinajpur

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