

Sess. case no.138/2024

19/23.12.25

The record is put up today by petition.

Ld Advocate for the accused Ratan Sarkar today filed a petition praying for bail of the accused Ratan Sarkar.

Copy of bail petition is served upon the prosecution.

Heard Ld advocate for the accused and also Ld P.P.

Ld advocate for the accused Ratan Sarkar submitted that this is a case u/s. 302 of IPC. The sole accused Ratan Sarkar is facing trial. Charge against him was framed on 23.09.24.

Now, the evidence is being recorded.

Ld advocate today submitted that this accused was arrested in connection with this case on 11.02.24. Since that time, he is in custody. The trial has progressed to some extent. The accused has a permanent residence. The entire procedure of investigation is already over and detention in custody for that purpose is already served.

Ld advocate emphasised that further detention as an under trial prisoner during the trial of this case is not required. The accused does not have chance of absconding and he shall regularly appear and face trial if he is granted bail.

Ld advocate for the accused accordingly prayed for allowing bail to the accused Ratan Sarkar on any condition.

Ld P.P raised strong objection.

It is submitted on behalf of the prosecution that the accused has been charged of committing murder of two persons at the same time. There is enough incriminating material against the accused as appearing in the CD. Moreover, the trial is now in progress. At this stage, if the accused is granted bail, there is every possibility that he shall abscond and the entire trial shall get vitiated.

Ld P.P accordingly prayed for rejection of bail application.

I have heard submissions of both the sides. I have perused the materials available in the CD and also in the case record.

It needs to be specially mentioned here that this is a case relating to brutal murder of two persons. There is enough incriminating material against the sole accused Ratan Sarkar, as appears in the CD.

Moreover, the trial has already commenced and examination of witnesses is in progress. I have prused the evidence adduced by five witnesses who have been examined till this date.

On considering such evidence which is already on record, it can be found that some of the witnesses happened to be eye witnesses. In their evidence, there is clear indictment of the accused Ratan Sarkar. Witnesses namely Ranjan Kamat, Samir Roy and Raju Roy examined as PW3,4 & 5 have identified the accused and have given evidence that they have seen this accused leaving the place of occurrence with stains of blood on his close and with a Katari in his hand which is also blood stained.

Having considered entire circumstances, I am of the view that this is a fit case to conduct custody trial.

If this accused is granted bail at this stage, there is every possibility that he will abscond and the trial will be severely hampered.

Accordingly, I am not inclined to allow the prayer for bail in respect of the accused Ratan Sarkar.

Accordingly, bail petition stands rejected.

To date that is 13.01.2026 for recording of further evidence.

Dictated by me

Judge,

ADJ,FTC-I.