

Sessions Case No. 128/2017

18/10.04.2019

Record is put up on the prayer of the accused Sanjay Prakash Singh. The accused also surrendered before this Court by a petition. He is taken into custody and remanded to J/C till 23.04.19.

The bail application filed by the accused is taken up for consideration.

The ld advocate representing the accused submitted that on 05.09.17 the accused remained absent when the surety was directed to produce the accused on the next date which was fixed on 13.11.17. Ld counsel also submitted that the then counsel for the accused did not take steps on 13.11.17 also and consequently warrant of arrest was issued. The ld counsel also submitted that since the date of commitment, the accused was not informed about the dates of this case by his ld counsel and as such he was unaware of the warrant of arrest. Ld counsel therefore submitted that for the laches of the ld advocate for the accused he should not be made to suffer and therefore the accused be released on any stringent terms and conditions as this Court may deem fit and proper.

The Ld APP in charge raised objection to the prayer for bail and submitted that the conduct of the accused is not at all satisfactory. She also submitted that there is every possibility of the accused absconding once again if he is released on bail.

Heard the ld counsels for the parties. Considered their submissions. On perusal of the record I find that the case was committed for trial on 19.06.17 with a direction upon the accused to appear before this Court on 27.06.17. It is unfortunate that the accused failed to appear before this Court ever since 27.06.17. In the mean time directions were issued upon IC, Hariapur as well the SP of Mujaffarpur to execute the warrant against the accused . It is after two long years that the accused has presented himself before the Court. The charge has not been framed because of absence of the accused. The conduct of the accused does not prompt me to enlarge him on bail. The prayer for bail thus stands rejected.

To 23.04.19 for production and framing of charge. Since the accused has surrendered, the date fixed on 11.04.19 for ER of W/A has become redundant.

Recall the W/A accordingly.

Dictd. & cortd.

Addl.S.J.

Addl. Sessions. Judge,
2nd Court, Islampur, U/Dinajpur.

