

Spl. Tr.51 of 2023
C.I.S Reg. No. 51/2023
(J.O Code. WB 01301)

Order No.15, dt. 09-07-2026:-

Today is fixed for hearing of the bail petition in presence of the de-facto complainant/victim and production of the accused persons.

Accused persons namely, Bholanath Guchhait and Namita Rani Guchhait surrendered before this Court and are taken into custody. The Learned Advocate moves the bail application on behalf of the accused persons.

The Learned Advocate for the accused and the Learned Special Public Prosecutor are present.

The bail petition is taken up for hearing in the presence of both sides. At the outset, the Learned Advocate for the accused, by way of affidavit, submits that no bail application is pending or has been rejected before any higher court in respect of the accused. The Learned Advocate further argues that, upon perusal of the record, no *prima-facie* case under the S.C. & S.T. (Prevention of Atrocities) Act, 1989 is made out against the accused and prays for bail on any terms and conditions.

The prosecution produces the victim today, and the Court hears the victim's submission regarding the bail application. The de-facto complainant/victim is present and is heard, raising no objection to the bail. The Learned Special Public Prosecutor, in his usual fairness, submits that charge-sheet has already been filed in the case and accordingly leaves the matter to the discretion of the Court.

Regard being had to the facts and circumstances of the case, the nature and gravity of the allegations, and the extent of complicity attributed to the present accused persons, it appears that the investigation has been completed and charge-sheet has already been submitted. The accused persons are, therefore, no longer required for custodial interrogation, and the case is now ready for trial. This Court has heard the submissions advanced on behalf of both sides, noted that the victim has raised no objection to the prayer for bail, and perused the materials available on record. It is also noted that the other co-accused person has already been enlarged on bail on a similar footing vide Order No. 12 dated 24-06-2026. Upon an overall consideration of the facts and circumstances of the case, this Court is of the view that the further detention of the accused persons is not warranted. Balancing the requirements of a fair trial with the accused persons' right to personal liberty, this Court is inclined to enlarge the accused persons on bail.

Hence, the accused persons be enlarged on bail upon furnishing bail bond of Rs.2,000/- each with two registered sureties of Rs.1000/- each, to the satisfaction of the Learned Chief Judicial Magistrate, *Paschim Medinipur*, subject to the condition that they shall remain present before the Court on each and every date fixed for hearing. In the event of any

default on his part, without any justifiable cause, the bail so granted shall be liable to be cancelled in accordance with law. The Learned C.J.M., *Paschim Medinipur*, is requested to issue the release order upon furnishing of bail bonds at once.

In terms of the direction of the Hon'ble Apex Court in its true spirit in SMWP (Criminal) no.4/2021, dated 31-01-2023, let a soft copy of this order be sent to the Secretary D.L.S.A, *Paschim Medinipur* vide Official Mail ID no. dlsamdn@gmail.com for abundant precaution.

Return CD.

If on bail, fix **16-12-2026** for appearance.

The present bail petition is disposed of. Let a copy of this order be sent to all concerned.

Dictated & corrected by me.

Sd/-

Sd/-

Addl. Sessions Judge,
1st Court, Paschim Medinipur.

Additional Sessions Judge,
1st Court, Paschim Medinipur.

Memo No.

Date:-

Copy forwarded to Ld. C.J.M., *Paschim Medinipur* for information and taking necessary action.

Addl. Sessions Judge,
1st Court, Paschim Medinipur