

Order No. 20
16.6.21

Today is fixed for hearing of the bail petition.

Ld. Advocate for the State and Ld. Advocate for the accused person are present before this Court. The record is now taken up for hearing.

Ld. Advocate on behalf of the accused person namely Ratan Bari submitted that this accused person is in custody for long time since 14.07.2020 and that he may be enlarged on bail on the ground of prolonged detention. He also submitted that the petitioner has been falsely implicated with this case and that there is no direct nexus with the alleged crime that he has been charged with and further that his detention is no longer required for the purpose of investigation as the investigation is already completed and case committed to this Court for trial and disposal. He further submitted that the present accused petitioner was also grievously injured in the same incident at the hands of the victim Jayanta Bari which is evident from the injury report of the accused petitioner filed on the last date but the said fact is absent in the statement of the witnesses recorded u/s 161 Cr. P.C by the I.O which is why the said statements should not be believed. He also stated that the petitioner is having his home and hearth within the jurisdiction of this court and that if the petitioner is released on bail he will not abscond and accordingly prayed for passing necessary order of grant of bail to the petitioner after drawing the attention of the court to the present pandemic situation.

Ld. P.P. In-charge raised formal objection against the said bail prayer of the petitioner.

Heard both the sides. Perused the record and the bail petition. Considered.

It appears from the perusal of the case record that the accused person is facing grave and serious charges against him which are reflected in the materials in the C.D which is why there is an apprehension that the accused person may flee from trial. As regards the copies of the medical documents of the accused petitioner filed on the last date, the same is not considered primarily due to the fact that the said medical documents were not filed earlier when the bail petition of this accused petitioner was rejected several times. Moreover there appears to be no change of circumstances since the dismissal of the bail prayer of this petitioner when the matter was heard on merits and disposed of. The non-lodging of any FIR or G.D by the petitioner or his family members concerning the injury caused to him allegedly by the deceased also justifies the dismissal of the injury report of the accused person. The materials in the CD prima facie supports the case of the prosecution to the extent that the accused petitioner is responsible for the injury caused to the deceased.

Considering the above facts and circumstances and the gravity of the offence, I am not inclined to enlarge the accused petitioner on bail at this stage.

Thus, the prayer for bail of the accused petitioner namely Ratan Bari is considered and dismissed at this stage.

To date (25.6.21) for production/appearance and consideration of charge.

Dict. & Cort. by me.

A.D.J. 1st Court, Jhargram.

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