

STR-02/11/2017 (CIS-181/17)

Order No. 32.

Dated 18/02/2019.

Today the date is fixed for hearing of bail petition filed on behalf of the accused person Toton Giri.

The bail petition is taken up for hearing. Heard Ld. Advocate for the accused person as well as Ld. PP-in-charge.

It is submitted that the accused person is in custody since 05/03/2017 i.e. more than 23 months and the other accused person in this case are already on bail. It is submitted that the accused person has his fixed place of residence and there is no chance of his absconsion if he released on bail. It is further submitted that taking into consideration the period of detention the accused person as well as the fact trial is delayed the accused person be granted bail on any terms and condition.

Also heard Ld. PP-in-charge who submitted that there are materials against the accused person and as such opposed the pry aer for the bail.

Perused the record. I find that the case was initiated on 06/03/2017 and this accused person along with other were in custody since then. Vide order dated 09/06/2017, one of the accused Titun Giri was enlarged on bail by Ld. ACJM-I, Jhargram. The record further reflects that subsequently the charge sheet was submitted against this accused person as well as other two and the case was committed to Ld. Additional District and Sessions Judge, Jhargram, 1st Court and the case was transferred to this Court. Subsequently, on 16/08/2017 this Court granted bail to one accused Smt. Golapi Giri but no order of bail was passed in respect of this accused person. The record further reflects that the charge was framed against the accused person along with two others on 02/11/2017 and the evidence started. Going through the record I find that several schedule for evidence were fixed but the evidence could not be concluded. I further find that vide order dated 18/4/18 and order dated 26/06/2018 the bail prayer of this accused person was rejected. I also find that the prayer for bail in respect of accused person was rejected on 16/11/18 but till now in total out of twenty three witnesses only six witnesses have been examined. I find that on 16/11/18 this Court observed that some of the materials witnesses are yet to be examined. In view of the same, I am not inclined to enlarge the accused person on bail at this stage. Accordingly the prayer for bail of the accused person is rejected.

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It appears that the date is fixed on 3/4/18 for appearance. Hence, Fix to date for evidence. Ld PP is directed to take steps to issue summons to the material witnesses to be examined on the date fixed. To date for the production of the accused person.

D/C by me

Addl. Sessions Judge, 2nd Court,
Jhargram, Paschim Medinipur.

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