

STR - 04(09)19
CIS- 72/19

Order no. 22.
Dtd. 29/07/2021.

Record is put up today on the basis of the petition filed on 20/07/2021 on behalf of the accused person Gopal Maity. Bail petition was filed on the same day and is placed before me along with the record. C.D is produced. The bail petition is taken up for hearing. Heard Ld. Advocate for the accused person at length. It is submitted that the accused person is innocent and is falsely implicated due to the previous enmity between the petitioner/accused and the complainant. It is further submitted that the charge sheet is submitted and till now only one witness is examined by this Court. Ld. Advocate for the accused person submitted that there is no chance of absconsion of the accused person and/or tampering with the evidence if the accused person is granted bail.

Also heard Ld. PP-in-charge, who opposed the prayer for bail. It is submitted that Hon'ble High Court rejected the bail prayer of this accused person on 25/06/2019 and 19/12/19 and after framing of the charge against the accused person, the evidence of de-facto complainant started and cross-examination is deferred u/s. 231 of Cr.P.C. It is further submitted that the other important witnesses of the prosecution including the wife of the deceased are required to be examined.

Contending the above and pointing out the materials in C.D, Ld. PP-in-charge submitted that the bail prayer should be rejected as there is no special reason to grant the bail.

Perused the record. I find that this accused person was brought under arrest on 23/01/2019 before Ld. ACJM, Jhargram and subsequently the charge sheet was filed against the accused person on 14/04/2019 and the case was committed on 27/06/2019. The record reflects that the charge was framed against the accused person on 24/09/2019 and accordingly date was fixed for evidence. However, due to Pandemic the witness did not turn up and accordingly on 25/01/2021 Pw-1 Sanjit Maity was examined in part and subsequently on 09/03/2021 the Pw-1 was examined in full but cross-examination deferred u/s 231 of Cr.P.C. The record further reflects that thereafter due to the second wave of the Covid-19 the witnesses did not turn up and 23/09/2021 is fixed for evidence of CSW no. 4. Also perused the order passed in CRM 12050 of 2019 by Hon'ble High Court. I find that after considering the materials on record Hon'ble High Court was pleased to reject the bail of this accused person. Considering the fact as well as other materials in record I am not inclined to allow the prayer for bail of this accused person at this stage. Accordingly, the prayer for bail is considered and rejected. To date (23/09/2021) for evidence of CSW-4. Issue summons.

Dict. & Cort. by me.

ADJ (II), JGM.

Addl. Sessions Judge, 2nd Court
Jhargram.