

Cr.Misc.case No.596 of 2022
CIS No.234 of 2022

Order No.02
10.11.2022

Today is fixed for hearing of this case.

Ld.Advocate for the accused/petitioner and Ld.P.P.in-charge are present.

Ld.Advocate Sandip Kumar Singh who is the defacto complainant of this case is present and file petition for permission to conduct his case personally. He has also filed another application praying for rejection of the bail petition of the accused/petitioner.

Ld.P.P.is also present.

This is an application U/S 438 Cr.P.C. filed by the accused/petitioner Sri Rajesh Singh @ Amit Singh who is apprehending arrest in connection with Naxalbari P.S. Case No.271/2022 dt.16.10.2022 U/S 380/447/506/509 IPC. It has stated in the petition that the accused/petitioner has been falsely implicated in this case and it is further stated that no other application U/S 438 Cr.P.C. is pending before High Court at Calcutta or any other Court within the jurisdiction of this Court.

Ld.Advocate appearing on behalf of the accused/petitioner submitted that allegation made against accused/petitioner is totally false and only on the basis of guess, the name of the accused/petitioner has been impleaded in the FIR. It has submitted that accused/petitioner is no way related on the alleged incident.

Accordingly, Ld.Advocate prayed for bail of the accused/petitioner at any terms and condition.

Ld.P.P. produced the C.D. and drew attention in the materials on C.D.

I have also heard the submission made by defacto complainant himself.

I have perused the materials on C.D. as well as LCR.

I have considered the submission made by both sides. While I go through materials on C.D., I find that during investigation, the footage of the CC TV has been checked by the Investigating Officer and after doing the same, the I.O. examined some witness of the locality.

Considering the nature of allegations and the materials on C.D. and in view of the fact that defacto complainant himself is an Advocate, so I find nothing for custodial interrogation of the accused/petitioner in this case.

Considering this aspect, I am inclined to allow the bail prayer of the accused/petitioner.

In the event of arrest, the accused/petitioner, **Rajesh Singh @ Amit Singh** may be enlarged on bail of Rs.5000/- with two sureties of Rs.2500/- each subject to satisfaction of Arresting Officer with further condition that accused/petitioner shall meet the I.O. once in a week until further order with usual terms and condition as embodied U/S 438(2) Cr.P.C.

The Criminal Misc. case is disposed of.

C.D. be returned.

L.C.R. be released.

D/c, by me,

Sessions Judge, in-charge,
Darjeeling.

Sessions Judge, in-charge,
Darjeeling.