

Criminal Misc. Case No. 70 of 2022

CIS No. 70/2022)

(CNR NO. WBEM-05-000-968-2022)

Present : Shri Anjan Kumar Sarkar,
Addl. Sessions Judge, Haldia, Purba Medinipur.
Judicial Officer Code: WB749

Order No. 02 dated 01.11.2022 :

Today is fixed for hearing the bail application of the accused persons/petitioners, namely, 1. Uttam Das @ Gobinda and 2. Bhiguram Das, filed under Section 439 Cr.P.C., in connection with Haldia PS Case No. 08 of 2022 dt. 14.01.2022 under Sections 498A/304B/34 of IPC, corresponding to G.R. Case No. 67 of 2022, pending before the Court of Ld. Additional Chief Judicial Magistrate, Haldia.

It is admitted position that no bail application u/sec. 439 of Cr.P.C. on behalf of this accused/petitioners has been pending before the Hon'ble Court or by any superior Court, as it appears from the averments made on affidavit.

The application for bail is taken up for hearing.

Ld. Advocate appearing on behalf of the accused submits that accused Uttam Das @ Gobinda is the husband and accused Bhiguram Das is the father-in-law of the victim. It is submitted that accused Uttam Das is in J/C since 02.08.2022 and accused Bhiguram Das has been in J/C since 29.08.2022. Ld. Advocate further submits that investigation in this case is over. Ld. Advocate prays for bail on any condition.

Ld. P.P. In-charge opposes the prayer for bail.

Heard both sides.

Perused the bail petition, FIR, case diary and other materials-on-record.

It is fact that bail prayer of accused Uttam Das @ Gobinda was earlier rejected by this Court before submission of charge sheet. Accused Bhiguram Das filed an application before the Hon'ble Court under Section 438 Cr.P.C. but, the same was rejected being not moved. Bail application under Section 439 Cr.P.C. of accused Uttam Das @ Gobinda was rejected before charge sheet was submitted. Now, the investigation is over. Accused Uttam Das @ Gobinda has been in J/C for about 92 days and accused Bhiguram Das has been in J/C for about 65 days.

I have carefully perused the case diary and the materials collected in case diary during investigation.

Considering the materials-on-record, I am of the view that the accused have been in J/C for a considerable period and further detention of the accused persons is not necessary and they may be enlarged on bail.

Accordingly, the prayer for bail of the accused is **allowed**.

Hence, it is

o r d e r e d

Each of the accused persons/petitioners, namely, 1. Uttam Das @ Gobinda and 2. Bhiguram Das, may find bail of Rs. 10,000/- with two sureties of Rs. 5,000/- each of the like amount, subject to the satisfaction of the Ld. A.C.J.M.-II, Haldia, i.d to J/C.

Thus, this criminal misc. case is disposed of.

Let the C.D be returned.

Let a copy of this order along with LCR be sent to Ld. A.C.J.M., Haldia, Purba Medinipur at once for information and taking necessary action.

Dict. & corr. by me,
Sd/-
A.S.J., Haldia.

(A.K. Sarkar)
Additional Sessions Judge,
Haldia, Purba Medinipur.
(A.K. Sarkar)
Additional Sessions Judge,
Haldia, Purba Medinipur.