

Criminal Misc Case No.148/2022

02 / 02.07.2022

This is an application under section 439 of Cr.P.C. filed by the accused-petitioner Umar Mondal who is in custody in connection with Hanskhali P.S. Case No.738 of 2014 u/ss 186/353/307/304/34 IPC & Sec.14 Foreigners Act.

Heard Ld. Counsel for the petitioner, who submits that the petitioner surrendered before Ld. ACJM since 10.05.22, his bail prayer was rejected on that day & since then he is in custody; he is totally innocent, has been falsely implicated; CS has been submitted by the I.O., investigation being over in this case u/ss 186/353/307/304/34 IPC & Sec.14 Foreigners Act, for which, further detention is not required; three FIR named co-accused are enjoying bail vide CMC-96 dt.12.05.15 of this Court; he has no chance of absconding and/or evading trial or legal process, he shall make no endeavour to tamper evidence of the present case; there is no bail rejection before the Hon'ble Court u/s 438/439 Cr.P.C. for this accused; he will abide by all conditions of bail order as granted by this Court in his favour. An affidavit is sworn to the effect that no such bail application is pending before or was rejected by the Hon'ble Court u/s 438/439 Cr.P.C. So, considering the detention since 10.05.22 & as the petitioner is Indian national, Ld. Counsel prays for bail on any condition on the same footing as of the co-accused who are in Court bail as stated above. Considered.

Heard Ld. Addl. P.P., who formally opposes bail prayer of petitioner as per materials in CD, statements u/s 161 Cr.P.C., FIR mentioning that the petitioner is an Indian national & CS having been already submitted in this case u/ss 186/353/307/304/34 IPC & Sec.14 Foreigners Act & that the Indian co-accused are on bail, moreover there is no recovery from him; so, Ld. Prosecutor submits to pass necessary order. Considered.

From submissions of both sides, it appears that no bail petition of the accused-petitioner is pending before or was rejected by the Hon'ble Court or any other upper Court.

Considering the submissions of both sides, carefully perusing the materials in LCR, FIR, CD, statements u/s 161 Cr.P.C., inquest report, seizure lists, postmortem report, charge sheet no.637 dt.28.11.15 u/ss 186/353/307/304/34 IPC & Sec.14 Foreigners Act having been submitted & received on record on 30.12.15, it is seen that the present petitioner is an Indian national & has voluntarily surrendered before Ld. ACJM Court on 10.05.22; so, there is no ground of further detention of the present accused for investigation, who is already in detention since 10.05.22 after submission of CS; it is specified that there is no recovery from this accused. Again, the co-accused Indians are on bail. So, this Court thinks that the bail prayer of the accused-petitioner may be allowed on certain conditions.

Hence,

O R D E R E D

that the bail petition of the petitioner namely Umar Mondal is hereby considered & allowed on certain conditions.

The accused-petitioner Umar Mondal may find bail of Rs.10,000/- with two registered sureties of like amount @ Rs.5,000/- each, subject to satisfaction of Ld. ACJM, Ranaghat, with a condition that he will be present before the concerned Court(s) on all scheduled dates fixed i.d. the instant bail order is liable to be canceled without any reference to this Court.

Inform Ld. ACJM, Ranaghat by sending a copy of the instant order.

The instant Misc. Case is thus disposed of. Return the LCR & CD.

Dictated & Corrected.

Sd/-

Addl. District & Sessions Judge,
Ranaghat, Nadia.

Memo No.

Dated.02.07.2022

Copy forwarded to

Ld. Addl. C.J.M., Ranaghat for information and necessary action.

Addl. District & Sessions Judge,
Ranaghat, Nadia.