

Spl (SC & ST) no. 05 of 2024
CNR-WBBD01-000686-2024
JO-WB00702

Order no. 09 dated 09/01/2025

This day is fixed for appearance of the de facto complainant namely Madan Mohan Das and hearing of bail petition .

Copy served upon the de facto complainant. One hazira is filed on behalf of the de facto complainant . The de facto complainant namely, Madan Mohan Das is present before this court.

The accused persons namely, Mayna Halder @ Tudu, Baburam Tudu, Sarat Mandi Ariful Islam and Dinabandhu Pal surrendered before this court. The surrender of the accused persons is hereby accepted. They are taken into custody and remanded to J.C. .

One bail petition has been filed by the Ld. Advocate on the behalf of the above named accused persons wherein he prayed for enlarging the accused persons on bail on the grounds stated therein.

The bail petition is taken up for hearing.

Perused the bail petition along with the materials on record and CD.

Heard Ld. Advocates for the accused persons and Ld. Special P.P. I also heard the de facto complainant on dock.

Ld. Advocates for the accused persons submitted that the accused persons have been falsely entangled in this case. Ld. Advocate further contended that due to the misunderstanding between the parties the instant case has been filed against them. He finally submitted that in this case charge sheet has already been submitted against the accused persons and also submitted that when the charge sheet has been filed after completion of the investigation there is no chance to tamper with the prosecution evidence and accordingly, prayed for releasing the accused persons on bail by imposing any condition upon them.

On the other hand, Ld. Special P.P. raised formal objection against instant bail prayer and accordingly, prayed for passing necessary order.

The de facto complainant submitted that he has no objection if the accused persons be released on bail.

Considering the rival submissions of both the Ld. Advocates and on perusal of the record, it reveals that after completion of investigation, the charge sheet has been submitted by the IO of this u/s 147/341/323/354/504/34 IPC read with Sec 3 of SC & ST (POA) Act, 1989 against the accused persons Ariful Islam and Dinabandhu Pal case and under Section 147/341/323/354/504/34 IPC against Baburam Tudu and Sarat Mandi and Section 147/341/323/504/34 IPC against accused Mayna Halder @ Tudu on 30/05/2024. In this case when the CS has already been submitted, it negates the fact of tampering with the prosecution evidence and witnesses. There is no prayer of custodial interrogation of the accused persons and after hearing the submission of the de facto complainant on dock, I find no justifiable ground and to detain the accused persons in this case, their detention is unwarranted.

Accordingly, the bail prayer of the accused persons is hereby allowed.

Accused persons, namely, Mayna Halder @ Tudu, Baburam Tudu, Sarat Mandi, Ariful Islam and Dinabandhu Pal may find bail of Rs.6,000/- each with two (2) registered sureties of Rs. 3,000/- each and on conditions that (1) they shall engaged in no act adverse to the prosecution, (2) they shall not leave the jurisdiction of the court without prior permission, (3) they shall not tamper with or prevail upon the prosecution witnesses or to put any fear upon the alleged victim/de facto complainant and other witnesses in this case in any manner and if, the conditions so imposed by this court would be violated by the accused persons, the liberty so granted to them may automatically be cancelled, subject to the satisfaction of Ld. C.J.M. Purba Bardhaman I/d to J/C.

Return CD.

If, on bail, fix 07/05/2025 for appearance of the accused persons except accused Sanjay Mondal . Copies handed over to the accused persons in course of this day except accused Sanjay Mondal.

Let a copy of this order be sent to the Ld. C.J.M.,Purba Bardhaman with a request to accept the bail bond and after accepting bail bond issue release order and return the same to this Court for keeping the same for future reference.

Dictated & Corrected.

Sd/-
Judge, Special Court,
(SC & ST) Act 1st Court,
Burwan.

sd/-
Judge, Special Court,
(SC & ST) Act 1st Court,
Burwan.

Later : dt. 09/01/2025

So far as the accused Sanjay Mondal is concerned the accused did not appear before this court although he filed a petition for intending to surrender himself before this court on 13/12/2024 . One petition is filed on behalf of the accused person by his Id. Advocate on the ground stated therein.

The petition is considered and rejected in view of the decision of the Hon'ble Apex Court reported in **Inder Mohan Goswami vs State of Uttaranchal (2007) 12 SCC 1**, hence, issue bailable W/A against the accused Sanjay Mondal offering bail of Rs. 3000/- .

To date i.e. 07/05/2025 for E.R. in respect of the bailable warrant of accused Sanjay Mondal.

Dictated & Corrected.

Sd/-
Judge, Special Court,
(SC & ST) Act 1st Court,
Burwan.

sd/-
Judge, Special Court,
(SC & ST) Act 1st Court,
Burwan.