

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

Order no. 11 dated 28/01/2025

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 person namely, Sanjoy Mondal surrendered before this court. The surrender of the accused person is hereby accepted. He is 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 person wherein he prayed for enlarging the accused person 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. Advocate for the accused person and Ld. Special P.P. I also heard the de facto complainant on dock.

Ld. Advocate for the accused person submitted that the accused person has 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 the above named accused and four (4) other accused persons. 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 person on bail by imposing any condition upon him.

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 person 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 above named Sanjay Mondal and four (4) other 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 person 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 person is hereby allowed.

Accused persons, namely, Sanjoy Mondal may find bail of Rs.6,000/- with two (2) registered sureties of Rs. 3,000/- each and on conditions that (1) he shall engaged in no act adverse to the prosecution, (2) he shall not leave the jurisdiction of the court without prior permission, (3) he 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 person, the liberty so granted to him 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, to date i.e. 07/05/2025 for appearance and consideration of charge. Copies already handed over to other four (4) accused persons and the copy is also handed over to the accused Sanjay Mondal in course of this day.

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 1<sup>st</sup> Court,  
Burdwan.

sd/-

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(SC & ST) Act 1<sup>st</sup> Court,  
Burdwan.