

Crl. Misc. Case No. 977 /2022
CNR no.WBMD0E0018392022

Present : Sri Madan Mohan Mishra
JO no. WB00727

Rubel Mahaldar --- Petitioner
VS
The state

Order No. 05 dated 14.12.2022

This is an application U/S 439 CrPC filed by the accused-petitioner in connection with Suti PS Case No. 544/2022 dated 17.10.2022 u/s 325/326/307/34 IPC & 25/27 Arms Act corresponding to GR Case No. 2598/2022.

The application is taken up for consideration.

Learned advocate representing the accused-petitioner and Ld. PP in-charge on behalf of the State are present.

Defacto complainant Saidul Mohammad appears by filing vokatnama.

Heard both sides including Ld. advocate representing the defacto complainant.

Perused the materials on the case record and in the case diary.

Learned Advocate representing accused-petitioner submits that in the FIR it has been alleged that 20 persons including the present accused petitioner assaulted the victim with a pistol and the victim suffered bullet injury on his belly. The allegation against 20 persons for assaulting accused with a single pistol itself seems to be unnatural. Accused petitioner have been falsely framed in the case. Accused petitioner is in custody since 18.10.22. Considering the nature of the allegation and the detention of the accused petitioner in custody since 18.10.2022, the accused-petitioner may be enlarged on bail.

Opposing the bail application Ld. PP in-charge submits that considering the gravity of the offence enlarging of the accused petitioner on bail would prejudice the investigation in the case as the principal accused who fire the shot at the victim is yet to be apprehended.

Having considered the submissions raised by Ld. Advocate representing the accused-petitioner and Ld. PP in-charge in the light of the materials on the case record it is found that

20 persons have been categorically named in the FIR lodged on 17.10.22 and from the statement of the injured victim recorded u/s 164 CrPC on 18.11.22 after his discharge from the hospital it is found that a group of 10/12 persons assaulted him and accused Osikul fired with gun at him. The allegation of firing at victim is against accused Osikul. Considering the nature of the allegation against the accused petitioner as could be seen from the statement of the victim recorded u/s 164 CrPC and the detention of the accused petitioner in custody, I find no reason to detain the accused petitioner in custody further.

Accused petitioner may find bail of Rs. 5000/- with two registered sureties of Rs. 2500/- each to the satisfaction of Ld. ACJM, Jangipur on condition that he shall meet the IO of the case once in a week till conclusion of the investigation in the case.

Return the CD.

Let a copy of this order along with the LCR be sent to the court of Ld. ACJM, Jangipur for information.

Another copy of this order be sent to the IO of this case for information.

The criminal misc. case stands disposed of.

Dictated & Corrected by me

Additional Sessions Judge, 1st Court
Jangipur, Murshidabad.
In-charge

Additional Sessions Judge, 1st Court,
Jangipur, Murshidabad.
In-charge