

Criminal Misc Case No.281/2022

02 / 16.11.2022

This is an application under section 439 of Cr.P.C. filed by accused-petitioner Giasuddin Mondal who is in custody in connection with Dhantala P.S. Case No.521 of 2022 u/ss 498A/325/313/506/34 IPC.

Ld. Counsel for the petitioner submits that, on 02.11.22, the petitioner voluntarily surrendered before Ld. ACJM, after his anticipatory bail was rejected, since 02.11.22 he is in custody, his bail prayer was rejected on 02.11.22 itself; the petitioner is innocent, has not committed the alleged offence, has been falsely implicated in this case, investigation of the case has ended & charge sheet has been submitted u/s 498A/325/313/406/34 IPC, for which, his further detention for custodial interrogation is not required; the FIR is delayed by about two days; no such case of Sec.313 IPC can come against the present accused; anticipatory bail was rejected only purpose of investigation & the said investigation is now completed; separate affidavit is filed for the petitioner to the effect that no bail petition of the accused was ever rejected u/s 439 Cr.P.C. in the Hon'ble Court & there is no bail application of the accused pending before the Hon'ble Court u/s 439 Cr.P.C. So, considering detention of the petitioner since 02.11.22, Ld. Counsel prays for his bail on any condition submitting to abide by each & every conditions in the event of being released on bail. Considered.

Ld. Prosecutor strongly opposes the bail prayer of the accused in view of the materials in CD, statements u/s 161 Cr.P.C., seizure list dt.22.08.22, FIR dt.21.07.22, the accused being FIR named, statement of the victim-complainant u/s 164 Cr.P.C. indicating specific allegation against the petitioner, regarding the ingredient u/s 313 IPC & his anticipatory bail was rejected not only by the Ld. Sessions Judge, but also by the Hon'ble Court in view of sufficient materials against the present accused; as investigation has ended & CS dt.26.08.22 has been submitted in this case. So, he submits to pass necessary order. Considered.

Considering the submissions of both sides & on careful appraisal of the materials in LCR, FIR, CD, statements u/s 161 Cr.P.C., statement u/s 164 Cr.P.C., seizure list & CS; it appears that investigation is over in Dhantala P.S. Case No.521 of 2022 u/ss 498A/325/313/406/34 IPC & charge sheet no.548 dt.26.08.22 has been received on record on 28.08.22, it is seen that this accused is FIR named & there is specific allegations against the accused. Again, after the anticipatory bail was rejected on 11.08.22, he surrendered before the Ld.ACJM Court only on 02.11.22, i.e. after about 02½months. So, considering submissions of Ld. Prosecutor & other materials on record, this Court thinks that it will not be proper to enlarge this accused on bail as prayed for. Hence, the bail prayer of the accused is considered & rejected.

Hence,

O R D E R E D

that the bail petition of the petitioner namely Giasuddin Mondal is hereby considered & rejected.

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.16.11.2022

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

Addl. District & Sessions Judge,  
Ranaghat, Nadia.