

IN THE COURT OF JUDGE SPECIAL COURT (SC & ST) ACT, BURDWAN

Present : Bishnu Baran Mondal

Judge Special Court (SC & ST) Act,

Burdwan

Spl (SC & ST) Case no. 44 of 2023

Madhabdihi PS case no. 226 of 2023

**Order No. 02 dated 24/11/2023**

Two accused persons, namely, Sk Kamaluddin and Sk. Abbasuddin are produced from correctional home and they are taken into custody and remanded to J.C. till 08/12/2023.

One bail petition along with vakalatnama filed for the accused persons.

Received return of notice served upon the defacto complainant asking him to appear before this court today at 10-30 a.m, but inspite of receiving notice the defacto complainant has not appeared.

Ld. Advocate for the accused persons submitted that in the FIR the defacto complainant himself admitted that he went to catch fish in the pond not belonging to him and he did not sustain any grievous injury. His clients are not named in FIR and they are not involved in the incident and they have been falsely implicated in this case and they are in custody since 09/11/2023. His clients may be granted bail on any condition.

Ld. Spl. PP submitted that in the instant case the victim was assaulted by an iron rod but from the injury report it seems that the injury was not grievous. However he opposes the bail prayer.

The case has been lodged on 07/11/2023 and there is nothing to show that the case is aggravated and from the materials in CD it appears that the victim has already been released from hospital. The accused persons are in custody from 09/11/2023.

Having regard to the above facts, submission on behalf of the accused persons, submission on behalf of the prosecution, other facts and circumstances of the case, and injury report and materials in case diary, this court is of the view to grant bail to the accused persons.

Hence, bail prayer is allowed.

Both the accused persons namely, Sk. Kamaluddin S/o Sk. Mohammed Mohasin of Barati Bazar, PS- Madhabdihi, Dist. Purba Bardhaman. and Sk. Abbasuddin S/o Sk. Md. Ayub Ali of Barati, PS- Madhabdihi, Dist. Purba Bardhaman be released on furnishing bail bond of Rs. 2000/- each with one surety of like amount on condition that they will not intimidate any of the witness of the case, to the satisfaction of Ld. CJM, Purba Bardhaman.

Ld. CJM, Purba Bardhaman is requested to accept the bail bonds, when furnished and to issue release order.

If on bail 08/12/2023 for appearance and IO's report.

Return the CD.

A copy of this order be forwarded to Ld. CJM, Purba Bardhaman for information and necessary action.

D/C by me

Judge Special Court  
(SC & ST) Act, Burdwan.

Judge Special Court  
(SC & ST) Act, Burdwan  
(J.O.Code WB 00776)