

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

**Spl. (SC & ST) no. 44/2023**

(Arising out of Madhabdihi PS case no.226/2023)

**Order No. 05 dated 14/12/2023**

Today is fixed for appearance of de facto complainant, namely Manindra Hembram, appearance/surrender of accused persons and hearing of surrender-bail petition, if any, filed by the accused person.

IO's report has not been filed till this date.

Accused persons, namely Sk Kamaluddin and Sk Abasuddin, on court bail, are present by filing hazira.

Accused person, namely, Natu @ Sabir Hazari has filed surrender bail petition.

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.

The surrender bail petition is taken up for hearing. Accused person, namely, Natu @ Sabir Hazari is taken into custody and remanded to J.C. till 22/12/2023.

Ld. Advocate for the accused person 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 client is innocent and has been falsely implicated in this case and he 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, and the injury report lying in the CD does not speak about any grievous injury.

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

Hence, bail prayer is allowed.

The accused person, namely, Natu @ Sabir Hazari of Kamarhati, PS-Madhabdihi, Dist. Purba Bardhaman. be released on bail on furnishing bail bond of Rs. 2000/- with one surety of like amount on condition that he will not threaten any of the witness of the case, to the satisfaction of Ld. CJM, Purba Bardhaman.

At this stage Ld. Advocate for the accused person, Sri Sadan Tah request the court to allow his client to remain under his charge, which is considered and accused Natu @ Sabir Hazari is allowed to remain under charge of Ld. Advocate Sadan Tah.

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

If on bail 09/01/2024 for appearance of accused persons 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

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

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