

Criminal Misc. Case No. **506/22**
(CNR No. WBSP1500113022)
(J.O.Code-WB 00664 : Reg. No. 506/22)

Order No. 2 Date : 19-11-2022

This is an application under Section 439 Cr.P.C. filed on behalf of the accused petitioner, namely, Mojammel Haque Molla in connection with Dholahat P.S. Case No. 184/12 under Section- 324/326/307/506 I.P.C., corresponding to G.R. Case No. 722/12.

Today is fixed for hearing of this Criminal Misc. Case.

Both C.D. and L.C.R. are produced.

Ld. advocate for the accused petitioner and the Ld. P.P in-charge are present.

Now the instant application is taken up for hearing.

Heard both sides.

Ld Advocate for the accused petitioner moves the bail petition by submitting that the present accused petitioner is in custody since 15-11-2022 and no such application for bail under Section 439 Cr.P.C has been filed before the Hon'ble High Court at Calcutta. It is further submitted that the accused petitioner has been falsely implicated in this case. Accordingly he prays for bail of the present accused petitioner.

Ld P.P in-Charge raised objection against the bail prayer of the accused petitioner.

The fact of the prosecution case, in brief, is that the Defacto Complainant lodged the complaint to the effect that this accused person along with other persons physically assaulted the elder brothers of the defacto complainant on 18-05-2012 at about 11 a.m causing their grievous injury.

Perusing the materials on record and C.D including 161 statement, medical report , seizure list and other materials on record it appears that the charge sheet has been submitted and previously the accused person got bail U/S 438 CrPC, but he did not surrender before Ld. trial court for regularization of the bail. So, warrant was issued against him and other co-accused persons are already on bail. So, considering all aspects I am inclined to grant bail to the accused petitioner. Hence, the prayer for bail of the present accused petitioner is hereby allowed.

The accused petitioner may find bail of Rs. 5,000/- with two sureties of Rs. 2,500/- each subject to the satisfaction of the Ld. A.C.J.M, Kakdwip and subject to further conditions that while on bail the accused petitioner will not make any attempt to influence the witnesses and tamper with the evidences. It is also directed that the accused petitioner will attend the court on regular basis without any default.

Thus, this Misc. Case is disposed of.

Return the C.D.

Let a copy of this order along with the L.C.R. be sent to the Ld. A.C.J.M., Kakdwip for information.

Dict. & Corr. by me

Sd/- S. Mallik Chattopadhyay
Addl. District & Sessions Judge, 1st Court
Kakdwip, South 24 Parganas.

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