

Criminal Misc. Case No. 499/22
(CNR No. WBSP1500112022)
(J.O.Code-WB 00664 : Reg. No. 499/22)

Order No. 2

Date : 17-11-2022

This is an application under Section 439 Cr.P.C. filed on behalf of the accused petitioner, namely, Dilip Sardar in connection with Kakdwip P.S. Case No. 32/21 under Section- 399/402 I.P.C. and 25 (i)(a) Arms Act, corresponding to G.R. Case No. 201/21.

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 28-10-2022 and no such application for bail under Section 439 Cr.P.C is pending or rejected before the Hon'ble High Court at Calcutta. It is further submitted that the accused petitioner is in no way connected with the alleged offence. It is also submitted that the accused petitioner is innocent and he 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 on 02-02-21 at 00:05 hours this accused person along with other miscreants assembled together at the P.O for the purpose of making preparation to commit dacoity.

Perusing the materials on record and C.D including 161 statement, seizure list and other materials on record and considering the period of detention 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/- each 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 with a further direction to meet the I.O once in a week till submission of charge sheet.

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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