

Crl. Misc. Case No.479/2022 (R-485/2022)
Arising out of Nayagram P.S. Case 142/2022 dated 04/10/2022 u/s 341/376D/506 of I.P.C.
Present : Smt. Sutanuka Nag
Dist. & Sessions Judge, Jhargram
J.O. Code : WB01248

Order No. 02 dtd. 09/11/2022

Today stands fixed for hearing of the instant Criminal Misc. Case. C.D. is received.

The record is now taken up for hearing and order.

This is an application u/s 439 Cr. P.C. filed by the petitioner namely **Bijay Murmu** in connection with Nayagram P.S. Case No 142/2022 dtd 04.10.2022 u/s 341/376D/506 of I.P.C. pertaining to G.R. Case No.1005/2022.

It is submitted by the Ld. Defence Counsel that the accused/petitioner is in custody since 04/10/2022. He further submits that the petitioner is completely innocent and has been falsely implicated in this case. He further submits that there is an existing family feud between the complainant and the petitioner and to feed fat their grudge this case has been initiated. It is also submitted that it has been alleged that the incident occurred at the canal which is used by the public at large and it is quite impossible to believe that the victim lady has been dragged by the accused person in presence of every one for commission of the said offence. It is also submitted that the petitioner has no chance of absconding. It is also submitted that the inspection memo of the victim lady annexed with the case record will clearly go to show that there was no injury found in the private parts of the victim lady and she was examined on the same date of incident and submits his detention will not serve any purpose to the prosecution and prays his enlargement on bail under any terms and conditions. He further submits that no bail prayer has yet been preferred or rejected by any superior Court, in connection with the said case.

It is submitted by the Ld. P.P. that there are sufficient materials against the accused person in the case diary and lays emphasis on the statement of the witnesses including the victim lady recorded u/s 161 of Cr. P.C. It is also submitted that the medical examination of the victim has also been done and her statement has also been recorded by the Magistrate u/s 164 of Cr. P.C. and also submits that the investigation is going on.

Perused the L.C.R. & C.D. and other materials available thereon and on perusal of the statement of the victim lady recorded u/s 161 of Cr. P.C. and u/s 164 Cr. P.C. I find various discrepancies in the said statements. Furthermore, the injury report also gives the different picture and considering the same I am inclined to allow the prayer for bail of the accused/petitioner.

Hence, the accused/petitioner namely **Bijay Murmu** may find bail of Rs. 3,000/- with two sureties of Rs. 1,500/- and subject to the satisfaction of Ld. CJM, Jhargram with the condition that he shall remain present in the court on each and every date with further condition that he shall not threatened or intimidate the victim and the witnesses and if any information is received in respect of violation of the order so passed the bail so granted would be cancelled forthwith.

Let a copy of this order be sent to Ld. CJM, Jhargram for information.

The Crl. Misc. case is thus disposed of.

C.D. & L.C.R. be returned.

Dictt. and Corrt. by me,

S.J.

Sessions Judge, Jhargram.
J.O. Code : WB01248

