

Special Case No. 34 of 2019

J.O. Code -WB784
Order No. 12
28.07.2021

Accused Dulal Karmakar is produced from J/C through V.C. and remanded to further J/C.

A petition has been filed on behalf of the accused praying for release on bail. Copy served.

The petition filed on behalf of the accused is taken up for hearing through V.C.

Necessary video link is sent to the Ld. Advocate for the accused as well as the Ld. P.P. for the prosecution.

The petition is being heard through V.C.

I have heard the Ld. Advocate for the accused as well as the Ld. P.P. for the prosecution and have gone through the case record and the clarification submitted by the IO through Ld. P.P. Clarification submitted by the IO is satisfactory and accepted. Personal appearance of the IO as asked for is exempted.

C.D. produced.

I have gone through the FIR and the other materials collected during investigation by the IO in the case diary. The complainant who lodged the written complaint nowhere in her complaint stated that the accused persons said her that let them take her and they will commit rape on her and apart from that the complainant also nowhere in her written complaint stated that the accused persons at the time of leaving from there abused her in the name of her caste but the complainant in her statement u/s. 164 of Cr.P.C and the statement recorded u/s. 161 of Cr.P.C by the IO included this above facts in her both the statements.

Further from the case diary I find that the caste of the complainant has still not verified that she belongs to the SC & ST community. Long pending case and investigation has progressed to much extent.

As the caste of the complainant still not verified and considering the improvement in the statement of the complainant the prayer for bail of the accused is allowed.

Accused Dulal Karmakar be released on bail executing bond of Rs. 2000/- with two sureties of Rs. 1000/- each. Bond will be accepted subject to satisfaction of the Ld. CJM, Dakshin Dinajur at Balurghat.

If not bail to 14.09.2021 for IO's Report I.d to J/C.

Petition stands disposed of.

Return the CD.

Dict. & Corr. By

Judge

Additional Sessions Judge, 1st Court,
Balurghat, Dakshin Dinajpur.
