

SPECIAL CASE NO. 27 OF 2022

Comp.Regn.No. 150/2022

CNR No.WBDD01-000225-2022

Present : Smt.Ali Biswas (Sarkar)

Addl.Dist.& Sess.Judge,1st Court

Dakshin Dinajpur at Balurghat

Ref. Balurghat Women P.S.Case No.97 of 2022 dated 22-09-2022
u/s.341/323/506 IPC R/W sec. 3(i)(x)(xi) of S.C.& S.T.(POA) Act
The State of West Bengal.....Versus.....Sitesh Sarkar

ORDER NO.04

08.12.2022

Today is fixed for C.D, appearance of the victim/defacto complainant.

Accused Sitesh Sarkar surrenders before the Court and prays for bail by filing bail petition along with a Notice u/s.41A of Cr.P.C. He is taken into custody.

Ld.P.P is present along with C.D.

Defacto complainant/victim is present by filing hazira and also files two xerox copies of medical prescriptions. Let it be kept with the record.

Perused the bail petition. Heard. Considered.

Ld.lawyer on behalf of the accused person submits that this accused/petitioner happens to be the husband of the defacto complainant and a long standing matrimonial dispute is going on between the parties and the accused is not at all involved with the alleged offence. Thus the prayer for bail of the accused may kindly be granted.

Ld.P.P opposes the prayer for bail.

Ld.lawyer for the defacto complainant/victim raises objection against the bail petition.

Perused the materials on CD, two medical prescriptions filed by the defacto complainant and other available material on record. It appears from the medical prescriptions filed by the defacto complainant that she was examined in Psychiatry department, N.R.S Medical College as OPD patient on 21.09.2022 and she was referred to Clinical Psychologist. Subsequently the defacto complainant was again examined on 19.10.2022 in Psychiatry department, N.R.S Medical College as OPD patient and again she was referred to Psychologist for Psychometry.

It appears from the record that no document has been filed by the defacto complainant before the Court in order to show that according to the advise/prescriptions of the Doctor dated 21.09.2022 & 19.10.2022 she consulted with any Psychologist.

In this context on perusal of the materials on CD and other materials on record and also keeping in mind that the accused person has complied with the provision of sec.41A CR.P.C, I find no reason to detain the accused person in custody. Thus considering all the materials on record the prayer for bail of the accused person is allowed. The accused Sitesh Sarkar may find bail of Rs.3000/- with two sureties of Rs.1500/- each subject to satisfaction of Ld.C.J.M, Dakshin Dinajpur at Balurghat i.d to J/C till 22.12.2022.

If on bail to **22.12.2022** for appearance and IO's Report.

Dict & Corr by

A.D.J,1st Court

Addl.Dist.& Sess.Judge,1st Court-
Dakshin Dinajpur