

Order No.5
10.08.17

Today the accused Md. Miraj is produced from J/C. Today is also fixed for evidence of C.S.W No.1 and 2. Summons are issued but no return is received.

“Bandh” is continuing. No witness is turned up today.

Ld. P.P prays for time on the ground of non availability of the witness.

By this time the accused files one new Vakalatnama and also an application for modification of the bail order passed by this Ld. Court. In the bail application it has been prayed that the bail amount of Rs.2,000/- is too much for the accused to be released from jail and as the accused is suffering from financial crunch it is not possible for him to be released from the jail and for that reason he prayed for modification of the Order No.7 dated 05.12.16 on which date he was granted bail.

Fact remains that the accused was granted bail on 05.12.16 and since then he is languishing in jail for not complying the condition imposed by the Ld. Court. Since the accused is languishing in Jail for over 8 months only for the reason of his incapacity to furnish bail, I think the modification prayer is quite justified and that should be allowed.

Accordingly, it is further **Ordered**,

that ***In the event of release the accused may furnish bail bond of Rs.500/- with one surety,subject to satisfaction of Ld.C.J.M, Dlg.***

If on bail to **05.09.17** for appearance and evidence i.d production and evidence.

Thus the order No.7 dated 05.12.16 is modified.

Let a copy of this Order be sent to Ld. C.J.M,Dlg. for his information and taking necessary action.

Dictated and corrected
by me,

A.S.J, 2nd Court-cum- Special Judge
Under POCSO Act
Darjeeling

(Anupam Mukherjee)
Additional Sessions Judge
2nd Court-cum-
Special Judge, Under POCSO Act,
Darjeeling