

In the Court of Additional Sessions Judge, 1st Court, Uluberia, Howrah.
Special case No. 47/2023
Amta P.S. case No. 111/23, dated 03.05.23
Present : Sandip Choudhury
(JO Code : WB 0587)

Order No.3, dated 11.05.2023

Today is fixed for production and hearing of the bail application of accused Sk. Mofijul Islam @ Mofi.

Accused person namely, Sk. Mofijul Islam @ Mofi is produced from J/C.

Ld. Special P.P in-charge is present.

The bail application of accused is taken up for hearing.

Ld. Advocate for the accused person submits that accused is in custody since 04.05.2023 and he has been falsely implicated in this case and as such he prays for bail.

The Ld. Special PP in-charge raises objection.

Heard both sides.

Perused the materials on record and in C.D.

This is a case u/s 448/354B IPC and section 8/12 of POCSO Act.

Being heard both side and after perusing materials on record, C.D, it appears to me that no notice u/s 41A Cr.P.C. has been issued against the accused person which is mandatory in view of the direction by the Hon'ble Apex Court. Considering the above, I am of opinion that further detention of accused is not necessary and as such I am inclined to enlarge the accused on bail.

Accordingly, it is

O r d e r e d

the accused person namely, Sk. Mofijul Islam @ Mofi may find a bail of Rs. 2,000/- with two registered sureties of Rs. 1,000/- each. The bond furnished shall be subject to the satisfaction of the Ld. A.C.J.M. Uluberia with condition that the accused shall attend court on each and every date of the case.

I.O is directed to submit a report give report regarding his knowledge about the position of law regarding service of notice u/s 41A Cr.P.C on 18.05.2023 by appearing personally before this court.

To 18.05.2023 for appearance, if on bail i.d. to J/C and I.O's report.

Let a copy of this order be sent to the Ld. A.C.J.M. Uluberia for information.

Let a copy of this order be sent to the I.O. for information and necessary action.

Dictated and corrected by me.

Sd/-
Additional Sessions Judge,
1st Court, Uluberia, Howrah.

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