

Special case No. 67/23

Order No.05, dated 17.10.2023

Today is fixed for production, appearance of accused persons and bail hearing of accused

Accused Uttam Barik and Satyam Baria on CB are present by filing hazira.

Heard the Ld. Advocate for the accused and the Ld. Special P.P in-charge.

The bail petition of accused Amit Naskar is taken up for hearing.

The Ld. Advocate for the accused person submits that there is relationship of love affairs between the accused and the victim and the accused falsely implicated in the instant case as the complainant's family did not accept such relationship. The accused is a college student and as such he prays for bail on any terms and conditions.

Ld. Special PP in-charge opposes the prayer for bail by saying that medical report in support of the prosecution case and there is 161 Cr.P.C statement supporting forcible cohabitation with the victim by the accused.

Defacto complainant is present and raises objection against the prayer for bail.

Heard both sides.

Contd. Order No.11, dated 17.10.2023

Perused the materials on record, C.D. and u/s 164 of Cr.P.C.

In 161 of cr.P.C. victim has not supported the prosecution case, rather she has categorically stated that she has been rebuked by her parents due to not performing her studies and she has left her house with the accused and stayed at the uncle's house of the accused. She has not made any accusation against the present accused. Charge sheet has been submitted. The accused is in custody for 63 days. When there is no support of the alleged offence by the victim during her statement u/s 164 Cr.P.C, I do not consider the further detention of the accused, who is a college student. Considering the facts and circumstances, I am inclined to enlarge the accused on bail.

Ordered

the accused Amit Naskar may find bail of Rs. 4,000/- with two registered sureties of Rs. 2,000/- each, on condition that the accused shall remain present on each and every date of the case. The bond furnished shall be subject to the satisfaction of the Ld. A.C.J.M. Uluberia.

To 17.11.2023 for appearance, if on bail i.d. to J/C.

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

Dictated and corrected by me.

Additional Sessions Judge,
1st Court, Uluberia, Howrah.

Additional Sessions Judge,
1st Court, Uluberia, Howrah.

Later, dated 17.10.2023

Accused persons Anup Naskar, Gouri Barik @ Naskar, Anil Samanta @ Mukta Samanta and Goutam Barik have been surrendered before this court.

The accused persons are taken into custody.

Ld. Special P.P in-charge is present by filing hazira.

Ld. Advocate for the accused persons files an order passed by this court in CMC 606/23 vide order No.2 dated 03.10.2023 wherein the present accused/petitioners were granted anticipatory bail.

Vokatnama has been filed.

Accordingly, the accused persons namely Anup Naskar, Gouri Barik @ Naskar, Anil Samanta @ Mukta Samanta and Goutam Barik may furnish a bail bond of Rs. 2,000/- each with two registered sureties of Rs. 1,000/- each with condition that the accused persons shall comply with the provisions of section 438(2) Cr.P.C. The bail bond furnished shall be subject to the satisfaction to the Ld. A.C.J.M. Uluberia.

To date (17.11.2023).

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

Dictated and corrected by me.

Additional Sessions Judge,
1st Court, Uluberia, Howrah.

Additional Sessions Judge,
1st Court, Uluberia, Howrah.