

In the court of Additional Sessions Judge, 1st Court, Uluberia, Howrah.
Special case No. 77/2024
Shyampur P.S. case No. 491/24 dated 30.11.2024
Present : Anirban Chowdhury (JO Code : WB 00814)

Order No. 05, dated 21.12.2024

Today is fixed for production and bail hearing.

Accused Firoj Mallick is produced from J/C.

The bail petition is taken up for hearing.

Ld. Advocate appearing for the accused/petitioner submits that :-

- 1) His client is in custody since 02.12.2024;
- 2) He has been falsely implicated in this case;
- 3) Investigation has fairly proceeded;
- 4) Earlier bail prayer of accused has been rejected by this court vide order no. 3 dated 10.12.2024;

Contending thus he prayed for enlarging his client on bail.

Perused the materials on record and CD.

Heard both sides. Considered.

Ld. Special P.P in-charge raises objection against the prayer for bail contending that no change in circumstances has taken place after rejection of bail on earlier occasion.

Defacto complainant is present and raised objection against the prayer for bail

Considering all materials on record, I find that this is not the appropriate stage to launch mini trial or form any opinion about the credibility or otherwise of the prosecution version. Accused is in custody for considerable period. Meanwhile investigation has fairly proceeded. Defence has submitted photo copy of some document under cover of firisti wherefrom it can be gathered that accused visited SSKM hospital on 26.11.2024 at 9:20 a.m. and he was treated there by doctor.

Fact remains that the statements of defacto complainant and victim have been recorded u/s 180 and 183 of BNS. Victim has undergone medical examination. Till date the person who found victim at P.O. has not been identified. No significant development has been recorded in CD after 11.12.2024. In the circumstances I do not find anything in the record which justifies further detention of the accused/petitioner for the purpose of custodial interrogation.

In view of all materials accused person namely, Firoj Mallick may find bail furnishing bail bonds of Rs. 4,000/- with two sureties of Rs. 2,000/- each, one of which must be an Advocate surety, subject to the satisfaction of the Ld. A.C.J.M Uluberia, on condition that he shall meet the I.O. once in a fortnight until completion of investigation.

Let a copy of order along with copy of the document submitted by defence be sent to the I.O. for verifying contents thereof and submit report in connection therewith on or within the next date fixed positively.

To 21.01.2025 for appearance if on bail, or production and I.O's report.

Dictated and corrected by me.

Sd/-

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

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1st Court, Uluberia, Howrah.