

Present:- Smt Leena Goldar
Additional Sessions Judge, Basirhat
02/09.11.2022

This is an application u/s 439 of the Cr.P.C filed on behalf of accused/petitioner Golam Hafij @ Golam Hafij Mondal in connection with Baduria P.S. Case No. 663/2022 dated 28.09.22 vide u/s 498A/406/307/376/511/34 IPC & 4 D.P Act is taken up for hearing.

At the very outset, Learned Advocate for the accused/petitioner submits before this Court that no such application u/s 438 or 439 Cr.P.C is either pending and/or disposed of in the negative by the Hon'ble High Court or Supreme Court.

Ld Advocate for the present accused/petitioner submits that the FIR was lodged on 28.09.2022 against four accused persons and this accused is in custody since 15.10.2022 . He submits that FIR is the product of a fertilized brain . This accused is innocent and contents of FIR is false and fabricated . Therefore considering the facts and circumstances of the case , the accused/petitioner may be released on bail.

Ld. PP in -charge submits that medical was refused by the V.G initially and medical was done at a belated stage. Investigation of the case is in progress. Thereafter he leaves the matter to the discretion of the Court.

De facto complainant by filing petition and vokalatnama opposes the prayer for bail . He submits that by swearing petition before the Ld. ACJM court accused took the victim with assurance to lead conjugal life peacefully but ultimately committed the alleged offence.

Perused the materials available in the LCR and the CD.

It is a case under sec 498A/406/307/376/511/34 IPC & 4 D.P Act . It appears from the LCR and CD that the accused/petitioner is in custody since 15.10.2022 and a case is pending in between the parties. No document is filed by the de facto complainant to establish that during pendency of the case under sec. 498A IPC , V.G went to the house of the accused/petitioner to lead conjugal life. Medical has been done belatedly. Parties are at logger head since long. The investigation has sufficiently progressed and I find for the purpose of investigation further custody of the petitioner seems not required.

Considering these facts and circumstance of the case and all other aspects , I am of the view that the prayer for bail of the present petitioner may be allowed.

Hence, it is

-Ordered-

that the present accused/petitioner namely Golam Hafij @ Golam Hafij Mondal may find bail of Rs. 8,000/- with two sureties of Rs. 4,000/- each, subject to the satisfaction of Learned ACJM, Basirhat .

LCR along with a copy of order be sent to the Ld Court below at once. CD be returned also . The Crl Misc case is thus disposed of.

Dictated & corrected by me

Addl. Sessions Judge,Basirhat

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