

Criminal Misc. Case - 1732 / 2023
C.N.R.No. - WBJP010038432023

Order No. 04 dated 29.09.2023

Case record is taken up for passing order.

This is an application u/s 438 Cr. P. C filed by the accused-petitioner namely Rasana Begam @ Raoshanara Begam in connection with Dhupguri P.S. Case No.525 / 2021 dated 17.12.2021 u/s-341/307/328/379/34, corresponding to G.R. case No.6741/2021, is taken up for hearing.

Already heard both the sides at length on earlier occasion.

Perused the materials on record and C.D.

Considered.

Learned Advocate for the accused-petitioner submitted that no bail petition has been filed in connection with this case either before any higher Court or in this court on any earlier occasion and an affidavit has also been filed on behalf of the accused-petitioner in support of such contention by the Ld. Defence Lawyer. Ld. Public Prosecutor, Jalpaiguri also conceded to the fact as submitted by the Ld. Defence Lawyer.

Ld. Public Prosecutor, Jalpaiguri raised objection.

By filing some copies of medical papers, Ld. Lawyer for the accused-petitioner submitted that accused-petitioner should be granted anticipatory bail.

Ld. Public Prosecutor, Jalpaiguri raised strong objection submitting inter alia that the copy of medical document dated 21.08.2023 issued by the concerned Medical Professional of Vydehi Institute of Medical Sciences & Research Centre would reflect that the accused-petitioner has been doing well and no deficit was found.

On perusal of the materials available before this Court, it appears that this Court vide order No.02 dated 04.03.2022 passed in C.M.C. No.336/2023 has already rejected prayer for anticipatory bail submitted by the present accused-petitioner but even thereafter the present accused-petitioner remained absconding. Materials are in the C.D. to the effect that the present accused-petitioner along with others tortured the victim immediately before his death. Report of postmortem examination lying at page 65 of the C.D. do reveal existence of injury over anterior aspect of left forearm. Though chargesheet is inter alia under Sec.306 of I.P.C. but the written F.I.R. gives a different as well as more serious story.

Considering all the above facts and circumstances, this Court does not consider the present case to be a fit one wherein the present accused-petitioner can be granted anticipatory bail.

Accordingly, prayer for anticipatory bail submitted by the accused-petitioner namely Rasana Begam @ Raoshanara Begam in connection with the above referred case, stands rejected.

Send a copy of this order along with L.C.R to the learned Chief Judicial Magistrate Jalpaiguri for information and taking necessary action.

Return C.D.

Thus, the Criminal Misc. case is disposed of.

Dictated & corrected,

Sessions Judge
Jalpaiguri
WB00637

Sessions Judge
Jalpaiguri
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