

Special Case No.90/2023

Present :Smt. Papiya Das (J.O.No. WB00736)
Judge, Special Court,
Alipurduar.

Order no.8
dt.08.01.24.

Today is fixed for production, bail hearing and IO's report.

Accused Sujan Das is produced from J/C.

One bail petition is filed on behalf of the accused praying for bail.

Heard Ld. Defence counsel as well as Ld. Special P.P.

Ld. Advocate for the accused submits that the VG was 17+ years of age at the time of commission of offence and she has love affair with the accused person and both of them got married. Subsequently after lodging of this case by her father, she deviated from her stand and narrated against this accused. She further submits that the accused is in custody since 02.10.23 and suffered detention from that date. She thus prays for bail on that ground.

Ld. Special P.P submits that after 01.11.23, there is no development in the process of investigation. He further submits that the Ld Lawyer for the accused person did not submit any prayer for statutory bail and for this reason Ld court is to consider the bail prayer, after considering the materials available before the court on this day.

Perused the case record as well as materials in CD wherefrom I find that the accused is in custody since 02.10.23 and today that is on 08.01.24, I find that the right of getting statutory bail by the accused accrued on elapse of 90 days from the date of his arrest. The said statutory period of 90 days elapsed on 31.12.23 and his right accrued on that date. But due to inadvertence, the said matter was overlooked by this court. The statutory right of the accused which accrued to him earlier shall not be defeated by any reason whatsoever. Hence, the accused is entitled to get the statutory bail.

Hence, bail prayer of the accused is hereby allowed.

The accused Sujan Das may find bail bond of Rs. 3,000/- with two registered sureties of Rs.1,500/- each of the like amount, subject to satisfaction of Ld.CJM, Alipurduar, i.d to J/C.

If on bail, to **02.03.24** for appearance and IO's report.

Let a copy of this order be sent to the Ld CJM, Alipurduar for information and taking necessary action.

Dictated & corrected
by me

Sd/-
Judge, Special Court,
Alipurduar.

Sd/-
Judge, Special Court,
Alipurduar.