



Present : D. K. Singh (Judge, Special Court)
J.O. Code WB01399
Spl – 59/24
Registration No. - 59/24

Ref. Mohanpur P.S. Case No.75 of 2024 dated 21.05.2024 u/s 341/325/506/34 of the IPC and Sec 3(1)(r) of the S.C. & S.T. (Prevention of Atrocities) Act, 1989

Order No.11, Dated – 24.09.2024

Today is fixed for hearing of the petition dated 20.09.2024 filed on behalf of the accused person namely **Uttam Kumar Sarkar**.

Ld. Advocate for the accused person namely **Uttam Kumar Sarkar** is present.

Ld. Special Public Prosecutor is present.

The victim is present in person.

The petition dated 20.09.2024 filed on behalf of the said accused **Uttam Kumar Sarkar** is taken up for hearing.

Ld. Advocate for the said accused person has submitted that FIR was lodged on 21.05.2024 being Mohanpur P.S. Case No.75 of 2024 dated 21.05.2024 u/s 341/325/506/34 of the IPC and Sec 3(1)(r) of the S.C. & S.T. (Prevention of Atrocities) Act, 1989 . He prays for permitting the said accused person to surrender before this Court.

Ld. Special Public Prosecutor has not opposed the prayer of the said accused person to surrender before this Court and left the matter upon this Court for passing appropriate order.

The victim of this case has not opposed the prayer of the said accused person to surrender before this Court.

I have heard the submissions of the Ld. Advocate for the said accused person, Ld. Special Public Prosecutor and the victim, and perused the records including C.D. From the records it is revealed that in this case FIR was lodged against this accused person being Mohanpur P.S. Case No.75 of 2024 dated 21.05.2024 u/s 341/325/506/34 of the IPC and Sec 3(1)(r) of the S.C. & S.T. (Prevention of Atrocities) Act, 1989 in this circumstances it will be justified to permit this accused person to surrender before this Court.

Accused person namely **Uttam Kumar Sarkar** surrender before this Court, and he is taken into custody and remanded to J.C. till 30.09.2024.

One bail petition is filed on behalf of the said accused person namely Uttam Kumar Sarkar and on consent of all the parties the said bail petition is taken up for hearing.

Ld. Advocate for the said accused person has submitted that this accused person belongs to Schedule Caste community, and he files one attested copy of certificate being no. WB1102SC2022016059 dated 02.09.2022 issued from SDO, Barrackpore. He has further submitted that other co accused persons in this case have been enlarged on bail by this Court. He prays for enlarging this accused person on bail on any condition.

Ld. Special Public Prosecutor vehemently opposed the said bail prayer of the said accused person and submitted that in this case investigation is still going on and verification of the certificate produced by the accused person is required. He prays for rejecting the said bail prayer of this accused person.

Victim of this case on asking stated that he has no any objection if the said accused person be enlarged on bail.

I have heard the submissions of the Ld. Advocate for the said accused person, Ld. Special Public Prosecutor, victim of this case and perused the records including C.D. From the records it is revealed that in this case other accused persons have been enlarged on bail. From the records it is revealed that in this case charge sheet has not yet been filed. Considering the materials on records I am of the view that it will be justified to enlarge this accused person on interim bail till the next date fixed on the following conditions :-

- i. The said accused person will not intimidate the victim of this case.
- ii. The said accused person will appear each and every proceeding of this case.
- iii. The said accused person namely **Uttam Kumar Sarkar** will furnish bail bonds of Rs. 5,000/- with two registered sureties of Rs.2,500/- each to the satisfaction of Ld. C.J.M, North 24 Parganas.

With above observations the bail petition dated 20.09.2024 filed on behalf of the accused person namely **Uttam Kumar Sarkar** is disposed of.

I.O. of this case is directed to verify the caste certificate being number WB1102SC2022016059 dated 02.09.2022 issued from SDO, Barrackpore submitted by the accused person Uttam Kumar Sarkar.

Let the copy of this order be sent to the Ld. C.J.M., North 24 Parganas for his information.

Let the copy of this order along with copy of caste certificate be sent to this case for verification.

Let C.D. be returned.

Fix **03.10.2024** for appearance/ production of the accused person on Court bail & I.O.'s report.

D/C by me.

Judge

Judge, Special Court
under the S.C & S.T. (POA) Act.