

SPL. CASE NO.21/2022
(CNR No.21/22)
CNR NO. WBSP010075612022
JO CODE : WB00639

Order no. 12 dated 24.08.2023

Today is fixed for issuance of notice upon the defacto complainant.

Ld. Special P.P. and Ld. Advocates for the accused persons are present.

Two petitions of surrender on behalf of the accused persons namely Bholanath Biswas, Sumon Mondal, Abhishek Prasad @ Manjilika, Arjun Kr. Prasad, Bishal Kr. Prasad, Tilly Biswas, Sreemoti Sabita Biswas and Anil Paul supported with Vakalatnama and photocopies of Aadhar Cards (duly attested by themselves). The surrender petitions are accepted and they are remanded to JC till date.

One hazira is filed on behalf of accused Anil Paul.

Ld. Advocates for the accused persons filed two bail petitions, one on behalf of accused Anil Paul and another on behalf of accused persons namely, Bholanath Biswas, Sumon Mondal, Abhishek Prasad @ Manjilika, Arjun Kr. Prasad, Bishal Kr. Prasad, Tilly Biswas, Sreemoti Sabita Biswas.

It has been submitted that the accused persons/petitioners are innocent and not in any way connected with the alleged offence. All the allegations made against them are baseless. It has been verbally submitted that the defacto complainant has the tendency to file various criminal cases from time to time against these accused persons to harass them and he has also moved before Hon'ble High Court twice against these accused persons. At present, one Writ Petition against these accused persons is pending before the Hon'ble Court. Charge Sheet has already been filed. It is further submission of Ld. Advocate that the accused persons have voluntarily surrendered before this court and if they be enlarged on bail, there is no chance of their absconsion.

Ld. Special PP raised objection and left the matter on the discretion of this Court.

Defacto complainant is also present. He has filed a written objection against the bail petition.

On being asked, he has expressed his objection against the bail prayer of the accused persons and stated that he has filed a Writ petition before the Hon'ble High Court regarding threatening of him by the accused persons and about inaction of local Police which is still pending.

Heard the submission. Perused the CD and case record. Considered.

On perusal it appears that the investigation has been completed and Charge Sheet has been filed. Though the defacto complainant raised objection but from documents, it appears that the brother of defacto complainant had earlier filed a criminal case in the year 2022 against one of the accused persons namely Anil Paul and his family. Previously, this defacto has moved before the Hon'ble High Court and at present he has filed a Writ Petition against the above named accused persons which is still pending before the Hon'ble High Court, Calcutta. Moreover, as there is no prayer from the side of prosecution for custody trial and as the accused persons voluntarily surrendered before this court, I am of the opinion that if their prayer of bail be allowed and if they be

released on **interim bail** after imposing certain conditions, no prejudice will be served to the prosecution.

Accordingly accused persons namely **Bholanath Biswas, Sumon Mondal, Abhishek Prasad @ Manjilika, Arjun Kr. Prasad, Bishal Kr. Prasad, Tilly Biswas, Sreemoti Sabita Biswas and Anil Paul** may find **interim bail of Rs. 10,000/- each with two registered Sureties of Rs.5,000/- + Rs.5000/-** i.d. to J.C subject to the satisfaction of Ld. C.J.M. Alipore with a condition that will not disturb the peaceful living of the defacto complainant and will not threaten him or his family members in any way. They are also directed to be present before the I.O. once in every fortnight.

Let a copy of this order be sent to Ld. C.J.M Alipore for information.

If bond is furnished, interim bail of accused persons is extended till 13.10.2023 and they are directed to appear on this day and for supply of copies.

Return CD.

Dictd & Corrtd by me ;

Addl Sessions Judge 1st Court I/c
Alipore, South 24 Pgs

Sri Dinanath Prasad
Addl Sessions Judge 1st Court cum Special Court I/c,
Alipore South 24 Pgs
24.08.2023