

Order no. 36

Dt. 02.12.2024

Today is fixed for hearing on bail petition filed by the accused persons namely Ajgar Laskar, Rabiul Sardar @ Babulal and Ajahar @ Ajaharuddin Laskar @ Raja.

Ld. Special PP in charge is on VC while the Ld. Defence Counsel is physically present on the court room.

Heard both sides.

Ld. advocate for the petitioners/accused persons submitted that all the petitioners/accused persons have been in custody since long and a good number of witnesses have already been examined in the meantime by the prosecution and therefore the accused persons may be granted bail on any condition whatsoever. It is further submitted that in the event of granting bail the accused shall not misuse the liberty and shall abide by every direction of the court.

Ld. Special PP in charge through VC raised objection submitting *inter-alia* that just few days back the accused persons approached before the Hon'ble Court for granting bail but said application was not proceeded with consequence whereof the bail petition was dismissed for non prosecution. He further submitted that sufficient materials have already come up before this court and as such the accused persons should not be granted bail under any circumstances.

As a matter of fact this is a case U/s 302/201/34 of IPC in which the prosecution has already examined 17 witnesses so far and have also exhibited some documents and there are a good number of witnesses yet to be examined by the prosecution. The record reveals that this court on earlier occasions also rejected the bail prayer of the accused persons based on the materials on record. Therefore, this court finds no cogent ground to entertain the bail petition at this stage of the proceeding.

Hence, it is

ordered

The bail petition filed by the above named accused persons is hereby considered and rejected.

To date for evidence.

Addl. Sessions Judge,  
FTC 3<sup>rd</sup> Court, Diamond Harbour (I/C)



Order no. 02

Dt. 15.07.2024

Today is fixed for production of LCR and hearing of the Misc. case.

LCR has already been received.

Ld. PP in charge is present.

Ld. Advocate for the petitioner/accused is also present.

Record is taken up for hearing.

Ld. PP in charge as well as Ld. Advocate for the accused are present.

CD has been produced.

Heard Ld. Lawyer for the accused. It was his submission that no bail prayer of the accused is either pending or rejected by the higher forum as such he prays for bail. It is further submitted that this accused is in custody since 29.06.2024 and has been falsely implicated in this case and there is no PC prayer of the accused on behalf of the investigating agency and there is no major progress also in the investigation ever since the accused was arrested and that one another co accused has already been granted bail by the Ld. ACJM, Diamond Harbour and as such the accused may be granted bail on any condition whatsoever and in the event if the accused is granted bail he will abide by any such condition as would be imposed upon him.

Ld. P.P. in charge raises no material objection against the bail prayer.

As a matter of fact this is a case under section 399/402 of IPC in which the accused was produced before the Ld. ACJM on 29.06.24 without any prayer for taking him in PC which otherwise leads to the conclusion that there is no requirement of custodial interrogation of the accused namely Babusona Sardar. The record reveals that there are certain recoveries from four accused persons including the petitioner out of which one iron rod was recovered from the custody of the petitioner. Be that as it may there is no major development in investigation so far as the implication the present accused is concerned. Thus I find no impediment in granting interim bail to the accused Babusona Sardar.

Hence,

it is ordered

that the Criminal Misc. case be and the same is allowed and accordingly disposed of.

The accused Babusona Sardar may find interim bail of Rs. 3,000/- with two sureties of Rs.1500/- each subject to the satisfaction of Ld. A.C.J.M., Diamond Harbour with further condition to meet the IO once in a week and to attend the court of the Ld. ACJM on each and every date and not to tamper prosecution evidence and subject to the condition of Section 437(3) of Cr.P.C.

Failure to comply the condition shall lead to automatic cancellation of the bail and in that case Ld. ACJM, Diamond Harbour shall be at liberty to take the

accused in custody.

Let the LCR be returned to the Ld. ACJM, Diamond Harbour.

CD be also returned.

Let a copy of this order be send to the Ld. A.C.J.M., Diamond Harbour for information and necessary action and to release the accused after acceptance of bail bond.

ADJ Court  
Diamond Harbour (I/C)

C.M.C. 449/2024 (U/s 439 Cr.P.C.)  
Mandirbazar PS 177/2021

Order no. 02

Dt. 15.07.2024

Today is fixed for production of LCR and hearing of the Misc. case.

LCR has already been received.

Ld. PP in charge is present.

Ld. Advocate for the petitioner/accused is also present.

Record is taken up for hearing.

Ld. PP in charge as well as Ld. Advocate for the accused are present.

CD has been produced.

Heard Ld. Lawyer for the accused. It was his submission that no bail prayer of the accused is either pending or rejected by the higher forum as such he prays for bail. It is further submitted that the accused namely Abdul Halim Halder was previously granted bail but afterwards due to his non appearance W/A was issued by the Ld. ACJM, Diamond Harbour which was executed and the accused was produced before the Ld. ACJM on 05.07.2024 but his bail prayer was considered and rejected. It is submitted that the accused is permanent resident of a place which is in the jurisdiction of this court and there is no chance of his absconding if bail is granted. Accordingly Ld. Advocate for the accused person prayed for granting bail to the accused, on any condition whatsoever.

Ld. P.P. in charge raises no material objection against the bail prayer.

As a matter of fact this is a case under section 399/402 of IPC in which the charge sheet has already been submitted. Be it that as it may, Ld. PP having raised no formal objection and the investigation having already been concluded, do find no justification in keeping the accused behind the bar anymore.

Hence,

it is ordered

that the Criminal Misc. case be and the same is allowed and accordingly disposed of.

The accused Abdul Halim Halder may find interim bail of Rs. 3,000/- with two sureties of Rs.1500/- each subject to the satisfaction of Ld. A.C.J.M. and to attend the court of the Ld. ACJM on each day and subject to the condition of Section 437(3) of Cr.P.C.

Failure to comply the condition shall lead to automatic cancellation of the bail and in that case Ld. ACJM, Diamond Harbour shall be at liberty to take the accused in custody.

Let the LCR be returned to the Ld. ACJM, Diamond Harbour.

CD be also returned.

Let a copy of this order be send to the Ld. A.C.J.M., Diamond Harbour for information and necessary action and to release the accused after acceptance of bail bond.

ADJ Court

Diamond Harbour (I/C)

EXTRACT OF ORDER SHEET

S.C. 108/2022

Order no. 8  
Dt.24.06.2024

Today is fixed for production and charge.

Accused namely Susanta Halder @ Bhule is produced from J.C.

Ld. PP in charge as well as Ld. Advocate for the accused are present.

Bail petition is taken up for hearing.

Heard both sides.

Heard Ld. Lawyer for the accused. It was his submission that no bail prayer of the accused is either pending or rejected by the higher forum as such he prays

for bail. It is further submitted that this accused is in custody since 13.06.2024 and that there is no chance of absconction of the accused and that the accused is ready to face the trial and as he may be released the bail on any condition whatsoever.

Heard Ld. P.P. in charge who raised no material objection and submitted that in the event the accused is offered bail stiffer condition may be imposed.

As a matter of fact this is a case under section 376/511 of IPC in which W/A was pending against the accused for a considerable period of time.

The record reveals that the accused voluntarily surrendered before this court on 13.06.2024 but considering this conduct throughout the record his bail petition was rejected and since thereafter he has been in custody. The court having considered the materials on record is of the opinion that almost a month's detention in custody is sufficient to give a lesson to the accused for willful and deliberate violation of condition of bail. Therefore, considering the period of detention I am inclined to grant interim bail to the accused with certain conditions.

The bail petition therefore stands allowed.

Accordingly, the accused may find interim bail of Rs.4,000/- with two sureties of Rs. 2000/- each, subject to the satisfaction of Ld. A.C.J.M., Diamond Harbour with further condition to attend the court on each and every date and not to leave State of West Bengal without prior permission of this court until further order.

If on bail, to date (18.09.2024) for appearance and charge.

Let a copy of this order be send to the Ld. A.C.J.M., Diamond Harbour for information and necessary action and to release the accused after acceptance of bail bond.

To 18.09.2024 for appearance and charge.

Addl. Sessions Judge  
F.T.C.I, D/Harbour I/C

Memo No. dt

Let the copy of this order be forwarded to the Ld. A.C.J.M.,  
Diamond Harbour for information and necessary action

EXTRACT OF ORDER SHEET

S.C. 3 (5) 23

Order no. 23  
Dt.15.07.2024

Today is fixed for further evidence and production of the accused person. Both the accused persons namely Masum Fakir and Manowar Hossain Molla are produced from J.C.

No witness has turned up.

Ld. PP in charge as well as Ld. Advocate for the accused are present.

At this stage one bail petition comes up on behalf of the accused persons.

Bail petition is taken up for hearing.

Heard both sides.

It is submitted on behalf of the accused persons that the prosecution has examined 11 witnesses so far including the defacto complainant and the victim of



the offence u/s 307 IPC as PW 1 and PW 4 respectively but none of the prosecution witnesses stated anything in their evidence in support of the prosecution case and none of the prosecution witnesses gave any incriminating statement against any of the accused persons during their examination on dock and as such further detention of the accused persons in custody shall not be justifiable. Accordingly, Ld. Advocate for the accused persons prayed for releasing them on bail on any condition whatsoever.

Ld. PP in charge submitted that whatever there is in the evidence for the prosecution so far adduced that is there on record and as such he has nothing more to make any submission. Ld. PP accordingly left the matter with the discretion of the court.

As a matter of fact this is a case in which charged has been framed under section 302/307/125B of IPC against both the accused persons.

According to the case of the prosecution one Mojammel Dhali and Rijoyan Dhali were shoot by fire arm by the accused persons out of previous enmity and grudge consequence whereof Mojammel Dhali died and Rijoyan Dhali sustained severe bullet injury. Rijoyan Dhali subsequently survived and gave evidence in this case as PW 4 in his examination in chief Rijoyan Dhali though narrated the incident of how he and his partner Mojammel Dhali sustained bullet injury on the date and time of the bullet injury, did not state anything about the shooters or the persons who fired bullet aiming them. He specifically stated in this evidence as by whom they were shot. The defacto complainant Rabiul Dhali is admittedly the brother of deceased victim Mojammel Dhali in his examination in chief the defacto complainant specifically stated that he was not present at the spot and as such did not see who murdered Mojammel Dhali or shot Rijoyan Dhali. Besides PW 2, PW 3, PW 5, PW 6, PW 7 and PW 8, beign the material witnesses in their evidence though admitted the fact of bullet injury, failed to disclose anything about the miscreants or the persons behind such bullet injury of Mojammel Dhali and Rijoyan Dhali. The remaining 3 witnesses also stated nothing about how the incident happened. Therefore the evidence so far adduced by the prosecution does not substantiate the charge under section 302/307/125B against the accused persons or any of them. The most vital prosecution witnesses examined so far having remained silent about the implication of the accused persons in this case, this court also finds no stronger ground to justify the further detention of the accused persons. Consequently, having regard to the changed to circumstances, I am inclined to enlarge the accused persons on interim bail subject to certain conditions.

The bail petiton is filed on behalf of the accused persons is hereby allowed and accordingly disposed of.

The bail petition thus stands allowed.

Accordingly, the accused Masum Fakir and Manowar Hossain Molla may find interim bail of Rs.10,000/- each with two sureties of Rs. 5000/- each out of which one must be local /cash surety subject to the satisfaction of the Ld. ACJM,

Diamond Harbour with further condition not to enter the jurisdiction of Magrahat PS till trial is over and to furnish the residential address of the accused persons before this court where they are likely to stay after getting release on bail. The accused persons are further directed to attend the court on each and every date and appear before the OC Diamond Harbour PS once in a fortnight till the conclusion of the trial or until further order which ever is earlier.

If on bail, to date (02.09.2024) for appearance.

Let a copy of this order be send to the Ld. A.C.J.M., Diamond Harbour for information and necessary action and to release the accused after acceptance of bail bond.

To 02.09.2024 for evidence.

D/c. by me

Addl. Sessions Judge  
F.T.C.III, D/Harbour  
in charge

Memo No. dt

Let the copy of this order be forwarded to the Ld. A.C.J.M.,  
Diamond Harbour for information and necessary action

SC 348 of 2023

Order no. 19  
dated 15.07.2024

Today is fixed for appearance.

Accused Suman Mondal is produced from J.C. (Presidency Correctional Home). It is submitted on behalf of the accused person that the mental condition of the accused person is not good.

Ld. PP also concord the same view. On and apparent look of the accused who is inside the court lockup it also knocks the mind of the court that the mental condition of the accused is not likely to be in order. Therefore, a report has to be called for from Superintendent Presidency Correctional Home about the present mental position of the accused before proceeding further.

Let a copy of this order be communicated to the Presidency Correctional Home for information and taking necessary action.

The superintendent of Presidency Correction Home is directed to get the accused Suman Mondal examined by Medical Board and obtain the opinion of the medical Board of any Medical Government College as to the mental health of the accused. To for production of the accused and submission of mental health report of the accused.

ST 09 (07) 2018

Order no.

Dated 15.07.2024

Record is put up today at the instance of convict namely Pinki @ Muslima. One petition comes up from the side of the convict contending inter alia that the fine amount of Rs. 10,000 as sentenced upon her h as already been paid with the Judicial cashier of ACJM, Diamond Harbour in view of order dated 20.04.2024 passed by this court but inspite of that the waiver of the sentence of 6 months SI which was awarded in default of payment of fine, has not been given effect to by the Superintendent of Dumdum Central Correctional Home where the convict is lodged. Ld. ADVOCATE for the convict prays for necessary order. The record reveals that the convict was awarded 6 months SI in default non payment of fine amount of Rs. 10,000/-. It further appears from the record that on 24.04.2024 this court directed payment of the fine amount to be deposited with the judicial cash. The copy of the receipt

EXTRACT OF ORDER SHEET

S.C. 88/2023

Order no.

Dt.15.07.2024

Today is fixed for further evidence and production of the accused person. Both the accused persons namely Masum Fakir and Manowar Hossain Molla are produced from J.C.

No witness has turned up.

Ld. PP in charge as well as Ld. Advocate for the accused are present.

At this stage one bail petition comes up on behalf of the accused persons.

Bail petition is taken up for hearing.

Heard both sides.

It is submitted on behalf of the accused persons that the prosecution has examined 11 witnesses so far including the defacto complainant and the victim of the offence u/s 307 IPC as PW 1 and PW 4 respectively but none of the prosecution witnesses stated anything in their evidence in support of the prosecution case and none of the prosecution witnesses gave any incriminating statement against any of the accused persons during their examination on dock and as such further detention of the accused persons in custody shall not be justifiable. Accordingly, Ld. Advocate for the accused persons prayed for releasing them on bail on any condition whatsoever.

Ld. PP in charge submitted that whatever there is in the evidence for the prosecution so far adduced that is there on record and as such he has nothing more to make any submission. Ld. PP accordingly left the matter with the discretion of the court.

As a matter of fact this is a case in which charged has been framed under section 302/307/125B of IPC against both the accused persons.

According to the case of the prosecution one Mojammel Dhali and Rijoyan Dhali were shoot by fire arm by the accused persons out of previous enmity and grudge consequence whereof Mojammel Dhali died and Rijoyan Dhali sustained severe bullet injury. Rijoyan Dhali subsequently survived and gave evidence in this case as PW 4 in his examination in chief Rijoyan Dhali though narrated the

incident of how he and his partner Mojammel Dhali sustained bullet injury on the date and time of the bullet injury, did not state anything about the shooters or the persons who fired bullet aiming them. He specifically stated in this evidence as by whom they were shot. The defacto complainant Rabiul Dhali is admittedly the brother of deceased victim Mojammel Dhali in his examination in chief the defacto complainant specifically stated that he was not present at the spot and as such did not see who murdered Mojammel Dhali or shot Rijoyan Dhali. Besides PW 2, PW 3, PW 5, PW 6, PW 7 and PW 8, being the material witnesses in their evidence though admitted the fact of bullet injury, failed to disclose anything about the miscreants or the persons behind such bullet injury of Mojammel Dhali and Rijoyan Dhali. The remaining 3 witnesses also stated nothing about how the incident happened. Therefore the evidence so far adduced by the prosecution does not substantiate the charge under section 302/307/125B against the accused persons or any of them. The most vital prosecution witnesses examined so far having remained silent about the implication of the accused persons in this case, this court also finds no stronger ground to justify the further detention of the accused persons. Consequently, having regard to the changed to circumstances, I am inclined to enlarge the accused persons on interim bail subject to certain conditions.

The bail petition is filed on behalf of the accused persons is hereby allowed and accordingly disposed of.

The bail petition thus stands allowed.

Accordingly, the accused Masum Fakir and Manowar Hossain Molla may find interim bail of Rs.10,000/- each with two sureties of Rs. 5000/- each out of which one must be local /cash surety subject to the satisfaction of the Ld. ACJM, Diamond Harbour with further condition not to enter the jurisdiction of Magrahat PS till trial is over and to furnish the residential address of the accused persons before this court where they are likely to stay after getting release on bail. The accused persons are further directed to attend the court on each and every date and appear before the OC Diamond Harbour PS once in a fortnight till the conclusion of the trial or until further order which ever is earlier.

If on bail, to date (02.09.2024) for appearance.

Let a copy of this order be send to the Ld. A.C.J.M., Diamond Harbour for information and necessary action and to release the accused after acceptance of bail bond.

To 02.09.2024 for evidence.