

District:- South 24 Parganas
IN THE COURT OF ADDITIONAL DISTRICT & SESSIONS JUDGE
4th FAST TRACK COURT, DIAMOND HARBOUR
SOUTH 24 PARGANAS

*Present:- Sri Asis Kumar Mukherjee
Additional District & Sessions Judge
4th Fast Track Court, Diamond Harbour
South 24 Parganas*

C.I.S. No. S.C. 488/17

Order no: 38

Date : 16.04.19.

Seen the F.S.L. report received under a part record from the Court of the Ld. Addl. Sessions Judge Diamond Harbour. Let it be kept with the record.

11 accused persons are produced from J.C.

3 accuseds, namely, Salauddin Sk., Azaruddin Sk. and Musa Sk. are on bail and are present by filing hazira.

The accused, namely, Sharuk @ Saharuk Sk. is not produced from J.C. on medical ground and is represented by Ld. Advocate under Section 317 Cr.P.C.

1 witness is present.

The witness, namely, Nizam Sk. is examined by prosecution as PW11. He is cross-examined by defence and is discharged. No other witness is present.

5 separate bail petitions are filed on behalf of the accuseds, namely, Ansarul Haque @ Doctor, Rauf Ali Fakir, Ebad Ali Sk., Umaruddin Sk., Majnu Sk., Samim Sk., Abir Hossain Sk., Chandan Mondal, Moktarul Sk., Mannan Sk. and Munnaf Sk.

Heard, considered.

Ld. Advocates for the accuseds pray for bail on any condition. They submit that, no bail petition is either pending before or has been rejected by the Hon'ble Court. Ld. Advocates in the same voice further submit that, The Hon'ble High Court, Calcutta, has been pleased to grant bail to 3 accuseds, namely, Salauddin Sk., Azaruddin Sk. and Musa Sk. and that, the 11 accuseds for whom the prayers for bail have been made are on the same footing as that of those 3 accuseds.

Ld. P.P. raises a mild objection to the prayers for bail and ultimately leaves the matter on the discretion of this Court.

*Perused the order dated-14.03.19 of the Hon'ble Court in CRM 2035 of 2019, a certified copy of which has been received by this Court from the Court of the Ld. Addl. Chief Judicial Magistrate, Diamond Harbour under the order dated-20.03.19. Hon'ble Court has been pleased to observe, "..... **Since the best arguable case of the prosecution, as cited above by the State, does not throw any light on the petitioners' involvement in the commission of the offence, the petitioners are entitled to be released immediately.....**"*

I have perused the materials on record further and find, that, the accuseds on whose behalf the prayers for bail have been made are also on the same footing as that of the 3 accuseds who have been enlarged on bail.

In the light of the specific observation of the Hon'ble Court this Court is inclined to allow the prayers for bail of the 11 accused persons.

Hence the accuseds, namely, Ansarul Haque @ Doctor, Rauf Ali Fakir, Ebad Ali Sk., Umaruddin Sk., Majnu Sk., Samim Sk., Abir Hossain Sk., Chandan Mondal, Moktarul Sk., Mannan Sk. and Munnaf Sk. may find bail of Rs.10,000/- each with two sureties of Rs.5000/- each, subject to the satisfaction of the Ld. Addl. Chief Judicial Magistrate, Diamond Harbour, on the conditions that they shall not

intimidate the witnesses or tamper with the evidence in any manner whatsoever and they shall appear before this Court on every date of hearing.

In the event of violation of any condition this Court shall cancel the bail.

Fix 27.06.19. and 28.06.19. for further evidence.

Send a copy of this order to the Ld. Addl. Chief Judicial Magistrate, Diamond Harbour for information and necessary action.

*Sri Asis Kumar Mukherjee
Additional District & Sessions Judge
4th Fast Track Court, Diamond Harbour
South 24 Parganas*