

Spl. PA Case No.01 of 2022
JO CODE No.WB00766
CNR No.WBUD01-000020-2022

Order No.03

12.01.2022

Today is fixed for production of accused and also for CD.
Accused Motiur Rahaman is produced from J/C through V.C.
Bail petition is filed for accused Motiur Rahaman.
Copy of bail petition is served upon Ld. Spl. PP.
Defacto complainant is present through his lawyer.

It is submitted by the Ld. Advocate appearing for the accused person that no bail application is pending u/s.439 of Cr.P.C in respect of the present accused in any higher forum.

The Ld. Advocate for the accused person submits that accused is innocent and he has falsely implicated in this case. He further contended that a dispute cropped up between the parties at the time of distribution of coupon at Marnai Gram Panchayat. He also contended that accused never used or uttered any words towards the victim to humiliate the complainant. According to him, accused is a permanent resident within the jurisdiction of this court and there is no chance of his abscondence, if he is released on bail. For the reasons stated above, he prays for releasing the accused on bail on any condition or conditions.

Ld. Spl. PP is present.

Heard the Ld. Advocate for the accused person as well as Ld.Spl. PP.

Ld Spl. PP raised objection regarding the prayer for releasing the accused on bail.

Ld. Advocate for the defacto complainant raises objection.

CD is produced.

I have perused the CD and other materials on record.

Contd.

On perusal of the record, I find that the present case has initiated on the basis of allegation u/s.341/ 323/325/379/34 of IPC and r/w Sec.3(1)(m)(r)(s) of SC& ST (Prevention of Atrocities) Act. The record reflects that there is a general allegation in respect of commission of offence punishable under SC & ST (POA) Act against the present accused. Moreover, I do not find any ingredients for attracting the provision punishable u/s.379 of IPC. Moreover, substantive part of investigation has already over. Considering the circumstance and also considering the period of detention I am inclined to release the accused on bail.

Accordingly,accused Motiur Rahaman may find interim bail of Rs.5,000/- with two sureties of Rs.2,500/- each, subject to the satisfaction of Ld. CJM, Uttar Dinajpur on condition that he shall meet with IO once in a week for one month or till completion of investigation whichever is earlier and to appear before this court on each and every date to be fixed.

Return CD.

Let a copy of this order be sent to Ld. CJM, U/Dinajpur at Raiganj for information and taking necessary action.

If on bail to-date (28.02.2022) for appearance and IO's report.

At my Dictation
Judge

Adl. Sessions Judge 1st Court, Raiganj.