

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

**Order No.04**  
**14.02.2022**

Record is put up on the prayer of Ld. Advocate for accused Anesur Rahaman.  
Accused Anesur Rahaman is taken into custody and remanded to J/C.  
Bail petition is filed for accused Anesur Rahaman along with Vokalatnama.  
Copy of bail petition is served upon Ld. Spl. PP.

Notice upon the defacto complainant has duly been issued but in spite of the receipt of the notice defacto complainant fails to appear before this court today. It is to be noted here that on the last occasion at the time of consideration of bail application of Motiur Rahaman defacto complainant appears and after hearing both the defacto complainant and Ld. Spl. PP bail was allowed in favour of accused Motiur Rahaman.

The Ld. Advocate for the accused person submits that accused is innocent and he has falsely implicated in this case. He further contended that 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.

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.  
CD is produced.

I have perused the CD and other materials on record.

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 circumstances, I am inclined to release the accused on bail.

Accordingly,accused Anesur 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

Addl. Sessions Judge 1<sup>st</sup> Court, Raiganj.