

PA Case No.04 of 2023
JO CODE No.WB00575
CNR No.WBUD01-000962-2023

Order No.09

18.05.2023

Accused Golam Martuja in J/C is physically produced from J/C and remanded to J/C.

On his behalf one bail petition is filed.

Ld. PP in charge is also present.

Accordingly the hearing of the bail petition is taken up.

In course of hearing of the bail application, Ld. Lawyer for the accused person submits that his client is in custody more than 57 days and by this time almost of the investigation in terms of the allegation u/s.376/511 IPC has been completed. So he prays for bail as because his client is having permanent hearth and home, no chance of absconding and if he is allowed on bail he will face the trial.

Ld. PP in charge raises objection and IO of this case has also raised objection in writing in which it is stated that this case is now in final stage and the same is near completion and final form will be submitted after judicial recording of the victim's husband and verifying of victim's caste certificate.

It is further stated on his objection, if accused be released on bail at this stage it may lead to communal tension in that area.

Having heard both sides. Having perused the case record and case diary thoroughly.

It appears that this accused has been in custody since 23.03.2023 and after 01.04.2023 there is no further development in investigation in case diary by collecting any evidence.

That apart, as per averment of IO for completing the investigation, only statement of the victim's husband u/s.164 of Cr.P.C and verification of caste certificate of the victim are yet to be made.

If that be the state of investigation then, in that case the further detention will not serve any purpose for completion of investigation.

On the contrary, in terms of the allegation as made by the victim in her complaint as well as statement u/s.164 of Cr.P.C coupled with the considerable period of detention my judicious opinion is that further detention of this accused will not sub-serve any purpose of the investigation and at the same time I find no justified ground to refuse the bail prayer by curtailing his fundamental rights upon considerable period of detention in the light of the allegation.

Therefore, in view of the above, I am inclined to allow his bail prayer with certain conditions.

Accordingly, this accused be enlarged on bail of Rs.10,000/- with two registered sureties of Rs.5,000/- each to the satisfaction of this court, subject to the condition that he will not be permitted to stay within the jurisdiction of Itahar Police and will not enter into the jurisdiction of Harirampur, along with condition to meet IO twice in a week until the completion of investigation. I.D to J/C.

Return CD.

To **07.06.2023** for IO's report.

Spl.Judge
Raiganj,U/Dinajpur

Spl.Judge
Raiganj,U/Dinajpur