

PA Case No. 09 of 2021
JO CODE No.WB00766
CNR No.WBUD01-001801-2021

Order No.03
21.08.2021

Record is put up on the prayer of the Ld. Advocate for accused Baktar Hussain and Abdul Khaleque.

Accused Baktar Hussain and Abdul Khaleque surrender before this Court by a petition and prays for bail. Such surrender is accepted and the accused are taken into custody and remanded to JC. **Recall W/A.**

Ld. PP is present.

From the report submitted by Ld. PP I find that notice upon the defacto complainant was served through IO but inspite of receipt of notice defacto complainant namely Magdhalina Hansda fails to appear before this court. Hence the prayer for bail is taken up for hearing in absence of defacto complainant.

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

Learned advocate for the accused submits that accused persons has falsely implicated in this case due to previous grudge. The specific contention of the Ld. Advocate for the accused persons that the land in question does not belong to the defacto complainant or her family members. In fact, the land was already transferred by the defacto complainant in favour of one Priyanka Hansda and accused persons to lease of the said land for a term of 99 years. He further submits that accused persons are permanent resident within the jurisdiction of this court and there is no chance of their abscondence if they are released on bail. For the reasons stated above, he prays for releasing the accused persons on bail on any condition or conditions.

Ld. PP raises objection but at the same time he conceded the fact the land in question is belonged to one Priyanka Hansda and the defacto complainant has not right, title and interest over the said land.

I have perused the CD and other materials on record. On perusal of record, I find that the defacto complainant has no right, title over the land in question and she has already transferred the land to one Priyanka Hansda by executing a deed of sale. Moreover, in this case after completion of the investigation charge sheet has submitted against the present accused persons u/s.341/506 of IPC r/w Sec.3(i)(iii)/3(2)(v) of SC & ST (POA) Act. In the light of the foregoing discussion I am of the view that there is no need for detention of the accused in custody.

Considering the fact and circumstances, I am inclined to enlarge the accused on bail. The accused Baktar Hussain and Abdul Khaleque may find bail of Rs.5,000/- with two sureties of Rs.2,500/-each subject to the satisfaction of the Ld. CJM, U/Dinajpur at Raiganj on condition that they will face the trial and will appear before this court regularly.

If on bail to date i.e. **16.11.2021** for appearance and supply of copy.

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

Judge

Judge, Special Court & Addl. Sessions Judge
1st Court, Raiganj, Uttar Dinajpur