

**SC & ST Case No- 04/2022.**

**J.O Code:- WB1427 CNR No. WB WM06-000575-2022.**

Order No.10.  
20.08.2022.

Accused Maildul Ali Khan is returned from P.C today.

He is taken into custody.

Received the accused challan, two Inspection Memos including the prayer for two days further police remand and also prayer for issuing search warrant of the house of Maildul Ali Khan.

Perused all the documents. Let these documents be kept with the record.

Ld. Advocate Sri Alok Chandra Patra representing the accused person files a fresh vokalatnama for the accused person and also files a petition praying for bail.

Ld. P.P. in-charge is also present. Copy served. I/O is present with the CD.

Now the bail petition is taken up for hearing.

Ld. Advocate for the accused person submitted that the accused petitioner has been falsely implicated in this case and there is no chance of his abscondance. It is further submitted that no such application for bail is either pending or rejected before the Hon'ble High Court, Calcutta in respect of the accused/petitioner in this case. It is also submitted that the accused petitioner have under gone two days police remand till date.

Ld. P.P. in-charge raised vehement objection against the bail prayer by submitting that the accused petitioner is not at all cooperating with the I/O and for that reason the I/O of this case has also prayed for issuing search warrant in respect of the house of accused petitioner

Perused the petition, written complaint and the CD and comparing the same with the statement of witnesses as well as statement of victim recored u/s 164 Cr.P.C., it appears that there is distinct allegations against the accused/petitioner indicating prima facie incriminating materials and the accused petitioner is in custody since 18.08.2022.

Considering the above facts and nature of allegations, I am not inclined to allow the bail prayer of the accused petitioner at this stage.

Hence the bail petition stands rejected.

At this stage Ld. P.P. in-charge submitted that the I/O of this case prays for police remand in respect of the accused person, namely, Maildul Ali Khan for 2 days for the purpose of investigation. Now the prayer of the I/O for police remand is taken up for hearing.

Perused the prayer of the I/O carefully.

Upon perusal of the prayer of the I/O, it appears that the said prayer is duly forwarded and recommended by Additional Superintendent of Police, Jhargram.

Perused the C.D along with the written complaint and the other materials on record.

Heard both sides. Ld. Defence Counsel representing the accused petitioner raised objection against such prayer.

Perused the two Inspection Memos dt. 19.08.2022 and 20.08.2022 wherefrom it appears that the accused petitioner was medically examined by the M.O of Jhargram District Hospital in compliance of the order of this court dt. 18.08.2022.

On perusal of prayer of the I/O, it appears that the accused person is not cooperating with the I/O and it further appears in the C.D that there are sufficient tangible materials for granting such prayer of police remand in respect of the accused person, namely Maildul Ali Khan. It also appears that the I/O of this case has further made a prayer for issuing search warrant in

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contd...  
dt. 20.08.2022.

respect of the house of the accused person as the same was found to be under lock and key.

Considering the nature and gravity of the offence, for proper interest of investigation and for proper administration of Justice, I am of the view that such prayer is required to be allowed for 2 more days. Accordingly, the prayer for police remand is hereby allowed for 2 days. Accused Maildul Ali Khan is remanded to Police custody till 22.08.2022.

Let the accused be produced before this Court on 22/08/2022 sharp at 10:30 a.m positively.

On query the accused submitted before this Court that he has no external wound on his person. In this context, I would like to mention here that the concerned I.O shall not inflict any physical and mental torture upon the accused person during such police remand. The I/O is further directed to follow the direction and guidelines as observed by the Honble Apex Court in letter and spirit.

I/O is directed to get the accused person medically examined on each 24 hours.

Inform accordingly.

At this stage the prayer of the I/O for issuing search warrant in respect of the house of accused Maildul Ali Khan is taken up for hearing.

Ld. P.P. in-charge submitted that the accused person is not at all cooperating with the I/O of this case and also tried to misguide the investigation. It is further submitted that the I/O has conducted raid at the house of the accused person during his P.C period, but the same was found to be under lock and key from outside and he refused to say where the key of the house is. Accordingly, I/O prays for issuing search warrant of the house of accused Maildul Ali Khan situated at village Bamda, P.O+P.S+Dist- Jhargram.

Heard Ld. P.P. in-charge Sri Prabir Pal. Considered.

Upon perusal of the prayer of the I/O as well as hearing submission of the Ld. P.P. in-charge, I am of the opinion that a search warrant is required to be issued for proper investigation of this case.

Accordingly, let a search warrant be issued in respect of the house of accused Maildul Ali Khan situated at village Bamda, P.O+P.S+Dist- Jhargram as mentioned in the prayer of the I/O only.

I/O is directed to serve notice upon the custodian of the house of accused Maildul Ali Khan situated at village Bamda, P.O+P.S+Dist- Jhargram before the commencement of search notifying them regarding the cause of search and for the purpose of providing them sufficient opportunity to cooperate with the investigation.

I/O is further directed to cause search of the above mentioned place in presence of the custodian of the house of accused Maildul Ali Khan situated at village Bamda, P.O+P.S+Dist- Jhargram and also in presence of two respectable persons of the locality. It is further directed that the entire process of search should be videographed by the I/O from the inception and till end.

Let a copy of this order be sent to I/O of this case for his information and compliance.

To date (22.08.2022) for production and I/O's report.

Dict. & Cort. by me.

A.S.J. 1<sup>st</sup> Court, Jhargram

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