

Precedent No. 70

**COUNTER AFFIDAVIT: UNDER SECTION 437 OF THE CODE OF CRIMINAL
PROCEDURE**

IN THE SESSIONS COURT OF

Counter-Affidavit in Criminal Miscellaneous (Bail)

Application No of 20

IN THE MATTER OF

A.B

.....APPLICANT

VERSUS

B.C

....RESPONDENT

COUNTER-AFFIDAVIT

I,, S/o, aged, residing in
.....

I, the abovenamed deponent do hereby solemnly affirm and state on oath as follows:

1. I am the Circle Inspector attached to the Police-station and am the investigating officer in the crime covered by the above case. I am fully conversant with the facts and the circumstances of the case and am authorised and competent to file this counter affidavit in the Bail Application of the accused
2. All the averments in the affidavit of the accused applicant, save and except those which are specifically admitted hereunder, are denied as untrue and incorrect.
3. The averments in para Nos. 1 to 5 of the affidavit, being matters of record, deserve no reply.
4. With regard to the averments in para Nos. 6-14, it is respectfully submitted that the same are not true or correct. There is *prima facie* evidence to convict that applicant for the offence alleged against him and with which he is charged. As an investigating officer, I was able to recover the *lathi* used by the applicant from the concealed place in the very residence of the accused soon after his arrest by me. Further, the applicant himself pointed out the place where the said weapon was kept.

5. Further investigation revealed that there was bitter animosity between the complainant informant and the applicant and there was even civil litigation between the parties in which the complainant victim eventually succeeded. Consequently, the accused was harboring feelings of hatred and animosity against the victim and even went to the extent of threatening to put an end to the victim's life.
6. The applicant is a man of abundant resources and there is every possibility of his interfering with the investigation making use of his political connections and influencing the witnesses with his money power, if he is set free. Granting bail to the applicant will seriously affect the investigation and prosecution of the case.
7. His remand to, and continuance in custody till the investigation is over is very essential for an effective and complete investigation of the case.

It is, therefore, just and necessary that the bail application filed by the applicant be dismissed.

Sd./

Deponent

VERIFICATION

Verified at on this the day of....., 20, that the contents of the above affidavit are true and correct to the best of my knowledge, belief and information and nothing material has been concealed therefrom.

Sd./

Deponent.

Solemnly affirmed and signed before me by the deponent, who is personally known to me, on this the..... day of....., 20

Sd./

Counsel for the deponent.

Note: Affidavit to be attested by the appropriate authority prescribed under law.