



**In the Court of the Additional District & Sessions Judge,
4th Court,
Purba Bardhaman Sadar, Dist.- Purba Bardhaman**

Present

Shri Pradip Kumar Adhikary, WBSJ,
J O Code (UID No.) - WB00916

**CNR No.- WBBB 0100 0910 2026
SC No.- 64 of 2026
ST No.- 02 of 2026**

Arising out of

**CNR No.- WBBB 0500 1232 2023
SC No.- 197 of 2023
ST No.- 48/July/2024**

Arising out of

Rampurhat PS Case No.- 169 of 2022 dated 22/03/2022

**Charge framed under section 109 read with sections
147/148/149/302/307/435/436/460/201 of the Indian Penal Code, 1860 and sections 03/04
of the Explosive Substances Act, 1908
and
section 120B read with sections 147/148/149/302/307/435/436/460/201 of the Indian
Penal Code, 1860 and sections 03/04 of the Explosive Substances Act, 1908
and
sections 147/148/149/302/307/435/436/460/201 of the Indian Penal Code, 1860
and
sections 03/04 of the Explosive Substances Act, 1908**

State

v.

- 1. Azad Choudhury,**
- 2. Intaj Sk.,**
- 3. Mofijul Sk.,**
- 4. Mortej Ali,**
- 5. Raston Sk.,**
- 6. Rohan Sk.,**
- 7. Nazir Hossain,**
- 8. Sal Mohammad @ Bappa,**
- 9. Jahangir Sk.,**
- 10. Tousib Sk.,**
- 11. Amzad Khan,**
- 12. Taj @ Chand Mohammad,**
- 13. Samir Sk.,**
- 14. Riton Sk.,**
- 15. Bikir Ali,**
- 16. Nur Ali,**
- 17. Sir Ali @ Sher Ali,**
- 18. Asif Sk.,**
- 19. Joshif Hossain,**
- 20. Jamirul Sk. @ Ujir Sk.,**
- 21. Khairul Sk.,**
- 22. Bulu Sk. @ Dollar and**
- 23. Anarul Hossain**

Order No.- 57
17/04/2026

The case record is taken up for hearing of the bail application filed by the accused Samir Sk and Khairul Sk on 08/04/2026 by way of put up petition.

In his bail application the accused Samir Sk. has stated that he is in custody since long and he is at the last stage of cancer and he could have died at any time. Hence, the accused has prayed for bail.

In his respective bail application the accused Khairul Sk has stated that he is falsely implicated in this case, he is no way connected with the offence as alleged, allegations made in the complaint is totally false, he is a local person having hearth and home and there is no chance of his absconding and as such he has prayed for bail.

Heard.

Re-iterating the grounds as made in the bail applications the Ld. Advocate Shri Anil Laha pleading on behalf of both the accused persons has prayer for bail of the accused Samir Sk on ground of his illness and also prayed for bail of another accused on the ground of his long detention period.

The Ld. Special Public Prosecutor, CBI Shri Partha Tapaswi has raised strong objection against both the bail applications. Highlighting the heinousness of the crime the Ld. Spl. PP-in-Charge of this case has pleaded that as many as ten persons including women and child were mercilessly murdered by setting several houses ablaze by all the accused persons in connivance with each other and many others were severely injured. It is one of the most brutal incident of burning and murder of Bengal in recent times. Charge has already been framed and more than 40 witnesses have already been examined. Although some witnesses turned hostile, however, the crux of the case has been well established by the prosecution witnesses examined so far. CCTV footage has also been exhibited along with other materials. Pointing out the statement of CSW No.- 130 recorded under section 161 CrPC the Ld. Spl. PP-in-Charge has submitted that both these accused persons are directly involved with the barbaric burning and murder. The accused Samir Sekh is one of the instigators along with Anarul Hossain to commit crime. The accused persons are dangerous and deadliest persons. If they get bail at this stage, trial of the case would be jeopardized and evidence will be tampered since the witnesses have already been threatened and the case has been transferred from another district to this Court. In the above circumstances the Ld. Spl. PP-in-Charge of this case has raised strong objection against the bail applications of these accused persons and has prayed for rejection of the bail applications.

Considered the materials on record including the case diary as produced by the Ld. Spl. PP-in-Charge.

From the report of the Medical Officer, Presidency Correctional Home dated 10/03/2026 it appears that on 24/02/2026 the accused Samir Sk was attended Hepatology OPD of SSKM Hospital where he was diagnosed DCLD – Mash related, ascites grade – III, non-bleeder – small esophageal varices, HCC, PVT – Tumoral comorbidity DM under trial patient and he was advised medications and various pathological investigations.

The Ld. Advocate on behalf of the accused has failed to produce any document showing that the accused Samir Sk is suffering from cancer.

Although the accused persons Samir Sk and Khairul Sk are in custody since 10/04/2022 and 22/08/2022 respectively but there are reasonable grounds for believing that the accused have been guilty of offence punishable with death or imprisonment for life.

From the materials on record it appears *prima facie* that after murder of one Bhadu Sk on 21/03/2022 in the evening, the accused Anarul Hossain hatched criminal conspiracy with the other accused persons who are supporters and followers of Bhadu Sk and also instigated along with the accused Samir Sekh to take revenge of the murder of Bhadu Sk by

burning the houses of Sona Sk and his relatives along with an intention to kill the rivals of Bhadu Sk since they suspected that Bhadu Sk was murdered by Sona Sk and others. In furtherance of the said common intention all the accused persons unlawfully assembled with deadly weapons etc. at night near the house of Sona Sk, charged bombs on the houses of Sona Sk and his relatives and others and set their houses on fire with petrol and brutally killed ten (10) persons, mostly females and children, who were close relatives of Sona Sk. It is alleged that the bodies of 07 deceased out of 10 were charred beyond recognition by the brutal act of accused persons. It is also categorically alleged that the accused persons also attempted to murder the other persons who had taken shelter in the houses of relatives of Sona Sk. However, they could be rescued somehow even after they were attacked with deadly weapons and trapped inside the houses burnt by the accused persons.

During investigation the mobile phone numbers of all the accused persons have been ascertained and on the basis of available CDRs the locations of the accused persons have been allegedly found at or near the PO on 21/03/2022 in between time 09.00 P.M. to 10.00 P.M.

So, considering the nature of allegation, gravity of the offence, enormity of the crime, heinousness/seriousness of the accusation, circumstances in which it was committed, severity of the punishment in the event of conviction, the nature/character and strength of evidence in support of the accusation/charge such as statement of the witnesses recorded under section 164 CrPC / 183 BNSS, statement of the witnesses recorded under section 161 CrPC / 180 BNSS, oral evidence recorded so far, recovery of articles under seizure list, inquest report, post-mortem report, etc. and the danger of justice being thwarted with by grant of bail i.e. danger of the accused absconding or fleeing, if released on bail; likelihood of the offence being repeated and reasonable apprehension of tempering with the witnesses or apprehension of threat to the witnesses, circumstances peculiar to the accused, the larger interests of the public or the State and the fact the case has already been transferred to this district from another district under compelling circumstances, the prayer for bail of both the accused is refused at this stage.

The case diary is returned.

Todate i.e. 15/05/2026 for production of the accused persons from judicial custody and settling date of trial.

Typed by me

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