

SC 06(07)2016
CNR. no. WBBK090001292016

In connection with Taldangra P.S. case no. 18/2015 dated 08.02.2015
U/s 395/412 of IPC corresponding to GR case no. 85/2015

Order No-47
Dated – 15.09.2023

Today is the date fixed for production of the accused person namely Manisure Mondal and Kamal Uddin Molla @ Kamal Kuja, appearance of the accused persons on court bail and E/R of WPA issued against accused person namely Hossain Ali Molla and hearing of the two separate bail petitions dated 06.09.2023 filed on behalf of the accused persons namely Manisure Mondal and Kamal Uddin Molla @ Kamal Kuja.

Accused persons namely Monisure Mandal and Kamal Uddin Molla @ Kamal Kuja are produced from Bankura District Correctional Home.

One surrender petition is filed on behalf of the accused person namely Hossain Ali Mandal.

The other accused persons on court bail are present by filing hazira.

Ld. Public Prosecutor In-charge of this case is present .

Ld. Advocates for the accused persons are present.

Surrender petition filed behalf of accused person namely Hossain Ali Mandal is taken up for hearing.

Ld. Advocate for the accused person namely Hossain Ali Mandal has submitted that due to diary mistakes and miscommunication of next date, the above said accused person has not appeared on previous date i.e. on 07.02.2023 and due to that reason warrant of arrest was issued against him. He prays for permitting the said accused person to surrender before this Court.

Ld. Public Prosecutor In-charge of this case has not objected this petition filed on behalf of the above said accused person.

Considering that warrant of arrest was issued against above said accused person namely Hossain Ali Mandal, I am of the view that, it will be justified to allow the surrender petition of the above said accused person, hence the surrender petition dated 15.09.2023 filed on behalf of the accused person Hossain Ali Mandal is allowed, in corollary the accused person Hossain Ali Mandal is taken into custody and remanded to J/C till 21.09.2023.

Ld. Public Prosecutor In-charge of this case has submitted that this case is pending since 28.07.2016, and till today hearing on the point of consideration of charge has not been completed he prays for completing the hearing on the consideration of charge today.

Ld. Advocates for the accused persons have not objected the prayer of the ld. Public Prosecutor In-charge of this case for completing hearing on the point of consideration of charge.

Record is taken up for hearing on point of consideration of charge.

Learned Public Prosecutor In-charge of this case has opened the case, describing the charges brought against the accused persons , and stated about the evidence that he propose to prove the guilt of the accused persons.

After considering the materials on records, and hearing of the prosecution, I am of the opinion that there are grounds for presuming that accused persons have committed the offences punishable under sections 395/412/34 of IPC , hence charge is framed against the accused persons.

Contents of Charges has been explained to the accused persons in bengali, and the accused persons have stated themselves as Nirdosh (Innocent) , and claimed for trial .

One bail petition is filed on behalf of the accused person namely Hossain Ali Mandal.

Fix at 2:00 P.M. for hearing of the bail petition dated 15.09.2023 filed on behalf of the accused person namely Hossain Ali Mandal and one bail petition dated 06.09.2023 on behalf of accused person namely Manisure Mondal and bail petition dated 06.09.2023 on behalf of accused person Kamal Uddin Molla @ Kamal Kuja.

Dictated and Corrected by me ,

Additional Sessions Judge ,
Khatra, Bankura

Additional Sessions Judge ,
Khatra, Bankura
J.O. Code WB01399

**At 02:00 p.m.
dated 15.09.2023**

The bail petition dated 06.09.2023 on behalf of accused person namely Manisure Mondal is taken up for hearing.

Ld. Public Prosecutor In-charge of this case is present.

Ld. Advocate for the accused person namely Manisure Mondal is present.

Ld. Advocate for the said accused person has submitted that this accused person was earlier enlarged on bail by the Ld. A.C.J.M, Khatra on 13.03.2015 but because of miscommunication of next date of hearing this accused person was not able to appear before this court, due to that reason warrant of arrest was issued against this accused person on 07.02.2023. He prays for enlarging this accused person on bail on any conditions.

Ld. Public Prosecutor In-charge of this case has vehemently opposed the bail prayer of this accused person, and submitted that the accused person is habitual absentee and due to his absence the trial of this case is delayed. He prays for rejecting the bail prayer of this accused person.

I have heard the submissions of the Ld. Advocate for the accused person and Ld. Public Prosecutor In-charge of this case and perused the records. From the records, it is revealed that the accused person was enlarged on bail on 13.03.2015 by Ld. A.C.J.M, Khatra but because of the misuse of liberty warrant of arrest was issued against the accused person on 07.02.2023. Considering that the accused person was already on bail and his absence on the previous date was not intentional, I am of the view that it will be justified to enlarge the accused person namely Manisure Mondal on bail on following conditions:

- 1) Accused person will not intimidate or influence any of the witnesses of this case.
- 2) Accused person will appear in each and every proceeding of the case.
- 3) Accused person namely Manisure Mondal will furnish bail bond of sum of Rs. 1000/- with two registered sureties of Rs. 500/- each to the satisfaction of Ld. A.C.J.M Khatra.

Another bail petition dated 06.09.2023 filed on behalf of accused person namely Kamal Uddin Molla @ Kamal Kuja is taken up for hearing.

Ld. Public Prosecutor In-charge of this case is present

Ld. Advocate for the accused person namely Kamal Uddin Molla @ Kamal Kuja is present.

Ld. Advocate for the said accused person has submitted that this accused person was earlier enlarged on bail by the Ld. A.C.J.M, Khatra on 30.11.2015 but because of miscommunication of next date of hearing this accused person was not able to appear before this court, due to that reason warrant of arrest was issued against this accused person on 07.02.2023. He prays for enlarging this accused person on bail on any conditions.

Ld. Public Prosecutor In-charge of this case has vehemently opposed the bail prayer of this accused person, and submitted that the accused person is habitual absentee and due to his absence the trial of this case is delayed. He prays for rejecting the bail prayer of this accused person.

I have heard the submissions of the Ld. Advocate for the accused person and Ld. Public Prosecutor In-charge of this case and perused the records. From the records, it is revealed that the accused person was enlarged on bail on 30.11.2015 by Ld. A.C.J.M, Khatra but because of the misuse of liberty warrant of arrest was issued against the accused person on 07.02.2023. Considering that the accused person was already on bail and his absence on the previous date was not intentional, I am of the view that it will be justified to enlarge the accused person namely Kamal Uddin Molla @ Kamal Kuja on bail on following conditions:

- 1) Accused person will not intimidate or influence any of the witnesses of this case.
- 2) Accused person will appear in each and every proceeding of the case.
- 3) Accused person namely Kamal Uddin Molla @ Kamal Kuja will furnish bail bond of sum of Rs. 1000/- with two registered sureties of Rs. 500/- each to the satisfaction of Ld. A.C.J.M Khatra.

Another bail petition dated 15.09.2023 filed on behalf of accused person namely Hossain Ali Mandal is taken up for hearing.

Ld. Public Prosecutor In-charge of this case is present

Ld. Advocate for the accused person namely Hossain Ali Mandal is present.

Ld. Advocate for the said accused person has submitted that this accused person was earlier enlarged on bail by the Ld. A.CJM, Khatra on 04.07.2016 but because of miscommunication of next date of hearing this accused person was not able to appear before this court, due to that reason warrant of arrest was issued against this accused person on 07.02.2023. He prays for enlarging this accused person on bail on any conditions.

Ld. Public Prosecutor In-charge of this case has vehemently opposed the bail prayer of this accused person, and submitted that the accused person is habitual absentee and due to his absence the trial of this case is delayed. He prays for rejecting the bail prayer of this accused person.

I have heard the submissions of the Ld. Advocate for the accused person and Ld. Public Prosecutor In-charge of this case and perused the records. From the records, it is revealed that the accused person was enlarged on bail on 04.07.2016 by Ld. A.C.J.M, Khatra but because of the misuse of liberty warrant of arrest was issued against the accused person on 07.02.2023. Considering that the accused person was already on bail and his absence on the previous date was not intentional, I am of the view that it will be justified to enlarge the accused person namely Hossain Ali Mandal on bail on following conditions:

- 1) Accused person will not intimidate or influence any of the witnesses of this case.
- 2) Accused person will appear in each and every proceeding of the case.

3) Accused person namely Hossain Ali Mandal will furnish bail bond of sum of Rs. 1000/- with two registered sureties of Rs. 500/- each to the satisfaction of Ld. A.C.J.M Khatra.

Fix 30.11.2023 for appearance of the accused persons on court bail, production of the accused persons in custody and SDT.

Let the copy of this order be sent to the Ld. A.C.J.M., Khatra for information.

Dictated and Corrected by me ,

Additional Sessions Judge ,
Khatra, Bankura

Additional Sessions Judge ,
Khatra, Bankura
J.O. Code WB01399