

**Sessions Case No.72 of 2022**  
**CNR No. WBCB01-001834-2022**

**Present : Sri Subrata Ch. Polle, Sessions Judge, Cooch-Behar**  
**J.O. Code – WB01273**

**Order No.13, dated, 8-02-2023**

Four accused persons are produced from J.C. Remaining one accused on court bail is present.

In terms of the previous order, the case diary is produced today.

Accordingly, the bail applications of the accused namely Kuddus Ali and Moksedul Haque being I.A. Nos.5/2023 and 6 of 2023 and another bail application of Noor Hossain and Md. Sofiar @ Chhopir Rahoman filed today being I.A. No.7/2023 are taken up for hearing and consideration.

**I.A. No.5 :-**

Mr. Pradip Kumar Sarkar, learned Counsel submits that there is no allegation against the accused Kuddus Ali by the witnesses examined in Court. Apart from this, he was falsely implicated in this case. The accused is in custody since 21-08-2021. He has prayed for bail on any condition.

**I.A. No.6 :-**

Mr. Ashok Kumar Ghosh, learned Counsel submits that P.W.1 and P.W.2 do not state anything regarding the involvement of the Moksedul Rahaman in the alleged offence. He has been falsely implicated in this case. He has prayed for bail on any condition.

**I.A. No.7 :-**

Mr. Pradip Kumar Das, learned Counsel submits that he has prayed for bail of the accused persons namely Noor Hossain and Md. Sofiar @ Chhopir Rahoman. He contends that the evidence of P.W.2 cannot be accepted as true. There is no material on record to show *prima facie* involvement of the aforesaid accused persons. They are in custody for a considerable period of time. He has prayed for bail on any condition.

Considering the nature of the aforesaid interlocutory applications for bail of the accused persons as named above, all are taken up together for consideration.

**I.A. Nos.5, 6 and 7 :-**

Mr. Ajoy Kumar Guha Neogi, learned Public Prosecutor submits that there are sufficient materials against the accused persons in the case diary as well as the evidence of P.W.1 and P.W.2. He has prayed for rejection of bail.

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**(Contd.....order No.13, dated, 08-02-2023)**

The incident took place on 16-08-2021. The defacto complainant / P.W.1 has alleged that the accused persons assaulted his father indiscriminately with axe and other offending weapons. Due to severe assault, the victim died. On the basis of the written complaint, police have started investigation inter alia under section 302 of the Indian Penal Code. After completion of investigation, police have submitted charge-sheet against 10 (ten) accused persons, out of which, 5(five) accused persons are facing trial and remaining 5(five) accused persons are still absconding.

On perusal of the materials available in the case diary and the evidence, *prima facie* involvement of the accused persons exists in committing the offences as alleged. At this stage, discussion as regards trustworthiness of P.W.1 and P.W.2 appears to be not necessary for fair trial. The trial is progressing. Till now, five accused persons are absconding. Previously also the bail application of the accused persons after submission of the charge-sheet has been rejected on merit. There is no substantial change of circumstances after rejection of their last bail application.

In view of the aforesaid facts, gravity of the offence, and other attending circumstances, the bail applications being I.A. Nos.5, 6 and 7 of 2023 are rejected at this stage.

The trial is required to be concluded as expeditiously as possible. Accordingly, schedule is prepared for examination of the prosecution witnesses as follows :-

To **06-03-2023** for recording evidence of C.S.W Nos.4 and 5.

**09-03-2023** for recording evidence of C.S.W Nos.6 and 7.

**10-03-2023** for recording evidence of C.S.W Nos.8 and 9.

The Investigating Officer of the case is directed to ensure the attendance of the witnesses as per schedule above.

He is further directed to produce the alamat, if any, for the trial on the above dates.

Accused (four) are sent to J.C. with a direction to produce them on the above date and other accused on court bail is to be present also on the next date.

Requisites be filed at once to ensure the attendance of the witnesses.

A copy of this order be communicated to the Investigating Officer of the case and the learned Public Prosecutor to ensure effective trial as per schedule fixed above.

Dictated & corrected,

Sd/-  
Sessions Judge,  
Cooch-Behar

Sd/-  
Sessions Judge,  
Cooch-Behar