

**Sessions Case No. 72 of 2022**  
**CNR No. WBCB01-001834-2022**  
**S.T. 01 / 08 / 2022**

**Present : Subrata Ch. Polle, Sessions Judge, WB01273**

19

12/04/2023

Today is the date fixed for evidence of the prosecution.

Out of 5 accused persons, 4 accused persons are produced from the judicial custody and one accused on court bail is present.

Hakim Miya and Abdul Salam have adduced evidence on oath as PW10 and PW11. The witnesses are examined and cross-examined. They have identified the documents in support of the prosecution as fully recorded in the deposition sheets. The witnesses are discharged.

No other witness is present today.

Now, the bail applications of accused Noor Hossain, Md. Sofiar @ Chhopiar Rahaman, (IA No.9 of 2023), accused Moksedul (IA No. 8 of 2023), and accused Kuddus (IA No. 10 of 2023) are taken up together for hearing.

Learned counsels submit that the accused persons are in custody for a considerable period of time and the trial has progressed materially and all the material witnesses have been examined by the prosecution. The learned counsels have also submitted that there is no positive material against the accused persons indicating their involvement in the crime in question. They have prayed for bail.

*Per contra*, learned public prosecutor has vehemently opposed the prayer for bail. According to the learned Public Prosecutor, the other accused persons in this case are still absconding. In the event, the accused persons are enlarged on bail, the fair trial will be at stake. The learned counsel has prayed for rejection of the prayer for bail.

Having heard the counsels of the parties and having gone through the materials on record, it appears that the witnesses have adduced evidence projecting the involvement of the present accused persons who are facing trial along with others, and therefrom, *prima facie* involvement of the accused is present. At this stage, it is not appropriate to consider the reliability and trustworthiness of the said witnesses. The other accused persons are still absconding. Considering the nature and gravity of the crime, the prayer for bail is liable to be rejected.

Contd.....

(Contd.....Order No. 19, dated 12/04/2023)

Accordingly, all the applications for bail being IA Nos. 8, 9, and 10 of 2023 filed by the accused persons are rejected.

Today is the last date of the schedule.

On prayer of the learned Public Prosecutor, a fresh schedule for examination of the remaining witnesses is prepared as follows :-

Fix **02-05-2023** for examination of C.S.W. Nos.19 and 20

**03-05-2023** for examination of C.S.W. Nos.21 and 22

**04-05-2023** for examination of C.S.W. Nos.23 and 24

**06-05-2023** for examination of C.S.W. Nos.25, 26 and 27

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

The Investigating Officer is directed to ensure safety and security of the witnesses and he is further directed to submit a report regarding the absconders in this case for the fair trial.

Seized articles, if any, be produced.

All the accused are sent to the judicial custody with a direction to produce them on the above date.

The accused on court bail is directed to be present as before.

A copy of this order be communicated to the learned Public Prosecutor and the Investigating Officer of the case for compliance.

**Sd/- S.C.Polle,  
Sessions Judge  
Cooch-Bihar**