

Order No. 102

Order dated 02.02.23

Today is fixed for appearance and E/R of W/A of accused Baharuddin Ahmed.

A1, A4 and A6 are represented through their Id. Advocate by filing a petition u/s 317 CrPC stating the ground therein which is considered and allowed.

A5 files an absent petition praying for an adjournment stating the ground therein which is considered and allowed.

Accused Baharuddin Ahmed is surrendered with a prayer for bail stating the ground therein. He is taken into custody.

Ld. Advocate of the accused and Ld. Spl PP for the CBI are very much present.

Ld. Advocate appearing for the accused Baharuddin Ahmed submits before the court that due to illness of his wife of the accused he could not attend before the court since he is the only member in the family and used to look after to his wife and stay at Tinsukia in the State of Assam which is far away from this court.

He also submits that his conducting advocate inspite of taking the matter for conducting on his behalf did not take proper steps and as such, due to non-taking step by the previous advocate W/A was issued against him. He also submits that after coming to know about the issuance of W/A this accused has come up before this court voluntarily and prays for bail on any condition. Submitting further that this accused is also an aged person and as such, he prays for consideration of bail of the accused.

Ld. Spl PP for the CBI initially submitted a report praying for time for execution of W/A against the accused but since the accused surrendered voluntarily and since they have signed the bail application after putting no objection so that has become nonest. He also submits that this accused is frequent absentee and is not attending court regularly and as such process of trial has become hampered and as such he raised objection of bail of the accused.

I have heard submission of Id. Advocate of both sides and also have gone record of the case so also the bail application wherefrom it appears that due to non-appearance of the accused W/A was issued against him for securing his attendance but since he has surrendered

voluntarily and as he himself is an old and aged person and residing in a far away from this court and medical report shows that his wife is suffering from some ailments and as the trial has commenced and as such for smooth process of trial prayer for bail of this accused should be allowed and accordingly, accused may find bail of Rs.1000/- each with two surety of like amount and on condition that he will attend court regularly during the course of trial to the satisfaction of Id. CMM, Kolkata.

If on bail to 25.04.23 for appearance and evidence.

Prosecution is directed to take steps accordingly.

Let a copy of this order be sent to CMM, Kolkata for his information and taking step.

Sd -

Judge, 3<sup>rd</sup> Special  
(CBI Designated) Court,  
Bankshall Court, Calcutta (I/C)