

Sessions Case No. 40 of 2012

Order No. 89 dated 31. 05. 2017 :-

Today is fixed for evidence and hearing on cancellation of bail in respect of accused Md. Hanif Sk. dated 30. 02. 2017.

Accused persons, namely, Ratan Das @ Barka, Kalyan Hazra, Saheb Das and Sahadeb Samanta are produced from judicial custody. Another accused, namely, Md. Hanif Sk. on AI bail is present. He prays for extension of AI bail.

Ld. PP and Ld. Advocates are present.

Witness, namely, Shibnarayan Das (PW-19) is present. He is cross-examined in full and discharged. Another witness, namely, Abhranil Neogi, Ld. Magistrate is present. He is examined in chief as PW-20 in full and cross-examined and discharged. Documents marked as exhibit.

No other witness is present today.

Let the case is taken for hearing of cancellation of bail in respect of accused Md. Hanif Sk.

Ld. PP has submitted that the Ld. Court had granted AI bail of this accused due to his daughter's marriage. On source information, we went to the address, mentioned there and presence of accused was not there. She has submitted that if this accused is on bail, the case may be hampered. She prays for cancellation of bail.

Ld. Advocate for the accused has submitted that Ld. court had granted the AI bail and the accused did not violate the conditions imposed upon him. Ld. PP did not file any petition for cancellation of bail within a short span after getting the bail order but subsequently after lapse of a long time, she filed petition for cancellation of bail. The accused is present on each and every date of trial. Evidence of charge-sheeted witnesses are almost complete, no objection raise from the prosecution that the accused, on bail is threatening the witnesses to depose. Only police witnesses and doctor witnesses pending. So, at this stage, the trial will not be vitiated, if the accused remains on AI bail and he also making 'thana hazira' regularly.

Considering the above aspects and the related documents and the conduct of the accused, I find that no adverse report is submitted against the accused on bail that he is trying to vitiate the trial or hampering the evidence and witnesses.

So, in my opinion, the prayer for cancellation of bail of this present accused is here by rejected. The accused Hanif Sk. is directed to comply strictly the condition, imposed upon him and to appear on each and every date of trial in this court without fail.

AI bail is extended till next date.

Fixing: 07. 07. 2017 for evidence of CS Witness No. 44, Makhan Lal Gupta.

Fixing: 10. 07. 2017 for evidence.

Fixing: 11. 07. 2017 for evidence.

Prosecution is directed to bring witnesses on the dates fixed along with the alamats.

Issue summons, accordingly.

Accused person is as before.

Dictated & corrected by me.

Addl. Dist. & Sessions Judge
1st Fast Track Court, Calcutta

Addl. Dist. & Sessions Judge
1st Fast Track Court, Calcutta
31. 05. 2017

No. _____

25. 05. 2017

Copy forwarded for information and taking necessary action to :-

The Superintendent, Presidency Correctional Home, Calcutta.

Addl. Dist. & Sessions Judge
1st Fast Track Court, Calcutta.
25. 05. 2017