

**In the Court of Additional District and Sessions Judge,
Gangarampur at Buniadpur, Dakshin Dinajpur.**

S.T No. 57 of 2023

Sess. Case No. 202 of 2022

Com. Reg. No. 194 of 2022

CNR No. WBDD05-000813-2022

**Present- Smt. Melissa Gurung
Addl. Dist. & Sess. Judge
Gangarampur at Buniadpur,
Dakshin Dinajpur.**

Order no. 07 dated 17-05-2024

Sole accused Pradip Mardi is produced from the J.C.

One bail application is filed on behalf of the accused person.

Ld. Addl. P.P. in-charge is present with two witnesses Uttam Murmu and Ramesh Hembram.

Witnesses Uttam Murmu and Ramesh Hembram are examined as P.W.1 and P.W.2 respectively and cross-examined in full by the defence and discharged as witnesses.

During the evidence the documents are marked exhibit P-1 and P-1 (1) respectively.

The record reflects that summons was issued upon the defacto-complainant twice by this Court but both times the summons returned without service with endorsement that the defacto-complainant (**Arati Murmu wife of Pradip Murmu of Boro Kasba, Mission More, P.O Daulatpur, P.S Harirampur**) is no longer residing in the area and is living outside the State for the purpose of employment. It appears that due to the absence of this witness the prosecution case cannot be proceeded with. **Hence, I find it necessary to direct the I.C Harirampur P.S to direct the I.O of the case Sanjib Bhadra to inquire into the matter regarding the residence of the defacto-complainant and to produce her in Court for giving evidence in this case. In the event the I.O is transferred the I.C is directed to serve the copy of this order to the I.O through the I.C of which Police Station the I.O is presently posted.**

The application praying for the bail of the accused is now taken up for hearing.

S.T No. 57 of 2023
Sess. Case No. 202 of 2022
Com. Reg. No. 194 of 2022
CNR No. WBDD05-000813-2022

Contd. Order no. 07 dated 17-05-2024

Heard both sides. Considered.

From the above order it appears that early trial in this case would not be possible because the defacto-complainant's present whereabouts is not known to the machinery which serves notice upon the witnesses.

This is a case where charge is framed against the accused for offence punishable u/s 498A/326/307/506 of the I.P.C and the accused has been in custody since the inception of the case.

In view of the long detention of the accused and the fact that trial of this case may be delayed due to the unknown address of the defacto-complainant I am inclined to allow the application for bail of the accused person.

Accused Pradip Mardi may find bail of Rs.5,000/- with two sureties of Rs. 2,500/- each subject to the satisfaction of the Ld. ACJM Gangarampur at Buniadpur, I/D to J/C. The accused is to be present on every date fixed I/D bail will be canceled.

A copy of this order be sent to the Ld. ACJM, Gangarampur at Buniadpur, for information.

If on bail fix 13-11-2024 for evidence of CSW- 4, C.S.W.5 and C.S.W.6 and compliance by the I.O of the case.

The prosecution is directed to issue summons upon the witness.

D/C by me

**Addl. Dist. & Sess. Judge,
Gangarampur at Buniadpur,
Dakshin Dinajpur.**

(Melissa Gurung)
(WB-00842)
**Addl. Dist. & Sess. Judge,
Gangarampur at Buniadpur,
Dakshin Dinajpur.**