

SC No. 14 of 2024

.Order No. 10

Dated 13.02.2025

None of the four accused persons are produced from the Islampur Sub-Divisional Correctional Home.

Received a report from the Supdt. of said Correctional Home that one of the accused viz. Md. Nawab @ Nabab Arju is sick and is admitted at Islampur SD Hospital. But, the said report is absolutely silent about the reason of non production of three accused persons today.

Bail prayer of the accused Adil Alam as filed on 05.02.2024 is taken up for hearing.

Ld. Lawyer while moving the bail prayer prays for bail on the compensate ground by stating that there is none to look after the minor son and daughter of the said accused and both the kinds are being constantly threatened by the family members of the deceased. In the backdrop of the said circumstances the Ld. Lawyer prays for bail of the accused on any ground .

On the other hand, the Id P.P-in-charge Mr. Ramesh Agarwal raises objection.'

Perused the CR . Considered.

It reveals from the CR that this date stands for consideration of charge of the alleged offence punishable U/S 364/376/511/302/201/34 IPC against all the accused persons. CS reveals about the heinous nature of crime of kidnapping coupled with rape and murder of a lady by this accused person and other accused persons in furtherance their common intention. Moreover, it further transpires that this accused happens to be the cousin brother of the deceased unfortunate lady.

CR reveals that similar bail petition was rejected by this Court on 28.11.2024 after considering all these factors.

It is the settled proposition of law that while considering a bail prayer the Court should considered the period of detention as well as the factors concerning personal liberty of an accused but it cannot over look the magnitude of allegation against the accused, who prays for bail. As the prosecution allegation against this accused and other three accused persons speaks about grievous and heinous nature of crime, I am of the view that the impugned bail petition is devoid any merit. Thus, the same stands rejected.

It has been reported by the Id lawyer for the accused that the Hon'ble High Court has been pleased to transfer another Sessions Case arising out of the same incident from the Court of the Ld. Fast Tarck, 1 st Court, Islampur to this Court. But, he needs sometimes to produce the certified copy of the same.

This Court is yet to receive any order from the Hon'ble Court or the CR from the Ld. Trial Court of Islampur.

All the accused persons are remanded to JC till 12.03.2025.

Supdt. Of the Islampur Sub- Correctional Home is directed to produce all the accused persons on the date fixed positively.

Let a copy of this order be send to Islampur Sub- Correctional Home is directed to produce all the accused persons on the date fixed positively.

To 12.03.2025 for production of accused persons and consideration of charge.

D/C by me:

Addl. Sessions Judge , KSG

Shri Sujit Kumar Mehrotra
Addl.. Sessions Judge, Kurseong
JO Code No. WB 00601.

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