

S. T – 01 (2) 2020  
S C 172/ 2019  
CNR – WBHG01-005049-2019

Order No. 119 dated 18.09.2024

Today is fixed for further examination of the accused persons u/s 313 of Cr.P.C. and hearing of bail petition filed by accused Md. Akbar @ Doley.

All the seven accused persons namely 1) *Mongal Yadav*; 2) *Baijnath Roy @ Hedek @ Raj*; 3) *Md. Akbar @ Dhole*; 4) *Md. Nasim @ Guddu*; 5) *Md. Manu*; 6) *Md. Sanu* and 7) *Saddam Hossan @ Maa Kasam* have been physically produced from the J.C.

They are represented by their respective Ld. Advocates.

Ld. PP, Hooghly is also present representing the State Prosecution.

The bail petition filed on behalf of the accused Md. Akbar @ Doley is taken-up for hearing in presence of both sides.

Ld. Advocate appearing for the accused submits that the accused is in custody since long. The evidence of this case is closed and the matter is fixed for examination of the accused persons u/s 313 of Cr.P.C. In the meantime, the accused is suffering from throat infection and cough. He is having an obstruction in swelling and is in requirement of specialized treatment and care that is not possible in custody. Contending that the accused shall not abscond and shall appear in Court on each & every date, he makes a prayer for bail on any condition.

Raising vehement objection to such prayer for bail, Ld. Public Prosecutor, Hooghly representing the State Prosecution submits that in view of the involvement of this accused, the Hon'ble Court had been pleased to reject the bail prayer of this accused on successive occasions. He further submitted that just after the commission of the crime, the present accused had absconded and after filing of charge sheet, he was apprehended from a place in Maharashtra. If at this stage, after completion of prosecution evidence, he is enlarged on bail, then there is every possibility of his absconcion. He further submitted that necessary orders be passed so that the accused may be provided with specialist treatment for his throat infection and on that ground his bail prayer cannot be considered.

Heard both sides at length.

Seen the materials on record including the previous orders passed by this Court. Also seen the orders of the Hon'ble Court in this regard. There is substance in the submissions advanced by the Ld. Public Prosecutor, Hooghly. The accused was apprehended from Tahasil area at

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Maharashtra after CS has been submitted. The involvement of the present accused transpire from the statements of the prosecution witnesses. The evidence of the prosecution is closed and the matter is on the verge of disposal. At this stage, considering the gravity of the alleged offence, his bail prayer is rejected as throat infection cannot be deemed to be a ground for grant of bail.

The Superintendent, Hooghly District Correctional Home is directed to provide adequate treatment to the accused Md. Akbar @ Doley for his throat infection. If necessary, the accused may be provided treatment by the specialist doctors of Chinsurah District Hospital.

Let a copy of this order be sent to the Superintendent of Hooghly District Correctional Home for taking necessary steps in this regard. The accused Mangal Yadav is examined u/s 313 of Cr.P.C in full in the separate prescribed format and kept with the record.

Ld. Advocate appearing for the accused as well as Ld. PP, representing the State Prosecution are both requested to put in suggestions if there be any with regard to any questions which are further required to be put to the accused Mangal Yadav so as to comply with the spirit of Section 313 of Cr.P.C.

Fixing **20.09.2024** for examination of the accused Md. Nasim @ Guddu u/s 313 of Cr.P.C. and production.

The accused persons are remanded to J/C till such date.

D/ C by me.

Sd/-

Addl. Dist. & Sessions Judge  
(3<sup>rd</sup> Court), Hooghly  
WB00891

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