

ST Case No. 64 of 2017
CNR No. WBHW-00-000550-2017
(Arising Out Pancha P.S Case No. 264 of 2016 dated 11-09-2016)
J.O. Code WB00910

Order No. 84 dated: 19-09-2025

Today is fixed for evidence.

Sole accused Sk. Rafique @ Rafique Sk is produced from the J/C and placed on dock.

No witness turned up.

Ld. PP-in-Charge submitted verbally that he could not produce any witness today.

One bail petition has been filed on behalf of the accused person Sk. Rafique @ Rafique Sk supported by affidavit with the contention that the petitioner/accused is languishing in the custody since last nine years and he has a family of old hapless wife and other children and all his sons and daughters deserted him. Consequently, his wife has become completely vagrant and his wife has nobody to support her and he has not filed any bail application before any higher forum including Hon'ble High Court, Calcutta and accordingly, prays for bail.

Ld. PP-in-Charge raises his voice of objection and submitted that no application has been filed by the accused person before the Hon'ble High Court, Calcutta.

Let me peruse the record.

I find that the accused person is languishing in custody under the charge of Section 302 of I.P.C since 11-09-2016. Charge was framed against the accused persons U/s 302 of I.P.C on 05-04-2018 and since then prosecution has brought only one CS witness and examined him as P.W 1. The accused is languishing in custody for more than nine years and there is no proximate chance to conclude the evidence within very short period as it is evident from the speed of the prosecution in bringing witnesses. Further detention of the accused person would no way expedite the speed of the trial.

Having considered the facts and circumstances and the period of detention and the above observation and the affidavit submitted by the petitioner/accused for non-filing of any bail application and other attending circumstances, the petitioner/accused namely Rafique Sk @ Sk Rafique may find bail of Rs. 10,000/- with two sureties, out of which one must be registered surety of Rs.5000/- and another local surety of Rs.5000/-, subject to the satisfaction of the Ld. CJM, Howrah, with condition to appear before the Court on each and every date of trial and subject to the conditions that the accused shall not tamper with the evidence and influence of witnesses and shall not leave the jurisdiction of this Court without the permission of this Court and shall not be involved to any other criminal offence, i.d, to J/C.

The violation of the condition by the accused person shall automatically render the bail of the accused person be cancelled.

Fix 20-01-2026 for evidence and appearance if on bail.

Dictated & Corrected by me

**Additional Sessions Judge,
3rd Court, Howrah.**

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3rd Court, Howrah.**