

In the court of Additional Sessions Judge, 1st Court, Uluberia, Howrah.
Special case No. 29/2019
Shyampur P.S. case No. 161/19 dated 07.04.2019
Present : Anirban Chowdhury (JO Code : WB 00814)

Order No. 111, dated 04.06.2026.

Today is fixed for production and bail hearing.

Accused Hamid Ali Khan has been produced through video conference.

In the prayer for bail it has been contended that the accused is in custody since 08.04.2019.

Charges were framed against the accused person on 09.03.2022.

Ld. Advocate for the accused/petitioner stated that till date only 11 out of 21 witnesses have been examined so far. Amongst them the victim, some acquaintances of the defacto complainant, scribe of the complaint, the doctor who examined victim and accused on 07.04.2019 and 08.04.2019 respectively, 5 members of the Medical Board who examined the victim and mother of the victim have been examined.

Record reveals that charge sheet was submitted in this case on 10.06.2019. Thereafter the case was adjourned on number of occasions on account of transfer of the regular P.O., resolution of Local Bar Association and restrictions imposed due to Covid -19 pandemic which has caused the delay.

Earlier identical prayers of the accused/petitioner was turned down on account of gravity of the offence and possible involvement of the accused/petitioner therein.

In this context Ld. P.P in-charge drew my attention to the report of DNA profiling. Ld. Advocate for the accused also drew my attention thereto.

Ld. P.P in-charge opposed the prayer for bail in view of the DNA report. Undoubtedly, some questions are discernibly arising in respect of the report of such DNA profiling. However this is not the appropriate stage to form any definitive opinion in respect thereto. Fact remains that the challenges posed by the accused person to such report was negated by this court vide order no 58 dated 04.02.2022. Till date that order has not been rescinded, set aside or modified by any appropriate forum.

Earlier it was observed in order No.93 dated 04.02.2025 that there are several doctors who being involved with the medical termination of alleged pregnancy of victim, have been cited as witnesses in the charge sheet. It was also observed in that order that evidence of CSW No. 11 and 12 may shed light on the questions involved.

CSW No. 11 and 12 have been examined.

Ld. Advocate for the accused/petitioner pointed out several questions regarding the modalities adopted by medical board. Fact remains that the remaining witnesses are either doctors, Magistrate or police personnel. Till date no birth certificate of the victim has been produced. In Exbt. P/2 date of birth of the victim was noted to be "above 13 years and below 15 years more likely 14 years". On 09.02.2023 victim came to court with one year old son.

Serious incriminating materials are said to be forthcoming against the accused/petitioner. Despite the factual and procedural questions pointed out by the defence I am alive to the possibility of threat to the fair proceeding of the trial in the event of enlarging the accused/petitioner on bail. The offence alleged is heinous and grave in nature. In such circumstances I am not inclined to enlarge the accused/petitioner on bail as there is every possibility that fair proceeding of trial of this case may be derailed thereby. Hence, the prayer for bail stands rejected.

To date (04.07.2026).

Dictated and corrected by me.

Additional Sessions Judge,
1st Court, Uluberia, Howrah.

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