

Sessions Case No.24/2016

Order No.15,

Dated: 24.01.2018.

Accused Julush Kujur is produced from J/C.

Ld. PP-in-charge is present and files hazira.

Today is fixed for evidence.

No witness is present.

At this stage Ld. advocate for the accused has filed bail application praying for bail of the accused on the ground of long period of detention of the accused.

Heard the Ld. advocate for the accused who has submitted before the Court that the accused is languishing in J/C since 15.09.2015 and charge was framed on 15.06.2016 but since then the record is being dragged for the considerable long period and only one evidence has been completed till date. The Ld. defence also by submitting the xerox copy of Women and Child Welfare Department along with the xerox copy of voter's identity card of the defacto-complainant has tried to bring to the notice of the Court that the victim has already been married and she has given birth of a female child on 03.01.2018.

Moreover, he has even submitted that the present accused is the sole bread earner of his family and due to his detention in J/C his family members are facing hardship in leading their livelihood.

The Ld. Prosecution on the other hand raised objection on the ground that the allegation against the accused is of a serious nature.

On perusal of the record and after hearing both sides it appears that the accused has been detained in J/C since 15.09.2015 and the Prosecution has managed to adduce the evidence of sole witness during this prolonged period. It is the incumbent duty of the prosecution to expedite the case and that the accused is not bound to suffer for indefinite period for lacuna on the part of the prosecution in concluding the trial of the case. Nevertheless the Court considering the long period of detention of the accused and taking compassionate view as his family is suffering due to this detention.

In view of the above circumstance let the accused be enlarged on interim bail of Rs.2,000/- with two registered sureties Rs.1,000/- each subject to satisfaction of the Ld. Chief Judicial Magistrate, Jalpaiguri till 03.03.2018.

Fix **03.03.2018** for evidence and appearance of the accused, if on bail.

Let a copy of this order be sent to Ld. Chief Judicial Magistrate, Jalpaiguri for information and taking necessary action.

Dictated & corrected by me

Additional Sessions Judge,
4th Court, Jalpaiguri.

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