

SC. 160/13 (CIS 745/14)

Order dated 17.06.2025.

Today is fixed for evidence of CSW 13 and 14.

Sole accused Binod Kharia is produced from DCH.

Ld. Advocate for the accused is present. Ld. P.P. in-charge is also present.

No prosecution witness is present. Received report from RO Alipurduar that summons has been forwarded to CSW 14 Inspector Prabin Pradhan of STF Siliguri. No report is received from STF Siliguri regarding service of summons.

Issue fresh summons upon CSW 14 Inspector Prabin Pradhan of STF Siliguri.

Issue fresh summons upon CSW 13, the Ld Judicial Magistrate, 3rd Court, Alipurduar A S Mukhapadhyay.

Fixing 23.07.2025 for evidence of CSW 13 and 14 and production of accused.

Issue summons. DA to comply. Accused to be produced from DCH.

The trial of the instant case is pending for more than ten years.

Issue summons upon CSW 14 through Nodal Officer, Alipurduar.

Let a copy of the order be sent to the Nodal Officer, Alipurduar

Addl. Dist. & Sessions Judge,

F.T.C. -1,

Alipurduar.

J.O. Code W.B. 01009

Contd.

Order dated 17.06.2025

Sole accused Binod Kharia is produced from DCH.

Ld. Advocate for the accused is present.

Ld. P.P. in-charge is also present.

Ld. Advocate for the accused prays for bail on the ground that the accused is innocent but he is detained in custody. It is further submitted that the accused have permanent hearth within the jurisdiction of the court. It is also submitted that if the accused is enlarged on bail, the accused will appear before this court on each and every date fixed.

Ld. P.P.-in-charge object to the bail of the accused pointing out the nature of the offense alleged under the Section 376 (2) (f) of I.P.C. It is submitted that the nature of the offense is heinous and the allegation against the accused are grave. It is also submitted that the trial could not progress due to the long absence of the accused.

Considering the submission made by both the parties this court finds that the offense has been alleged under 376 (2) (f) of I.P.C. which is indeed heinous in nature. It is also found that the accused have been absconding and avoiding the process of the court since 05.08.2022. Thus the accused person being absconding the trial was obfuscated. Also that charge sheeted witness who incriminated the accused are yet to be examined before the court and enlarging

the accused at this stage may vitiate the trial. In such circumstances, the court is not inclined to enlarge the accused on bail.

Hence, the bail prayer of the accused stands rejected.

Accused to be produced from D.C.H.

Addl. Dist. & Sessions Judge,
FTC-I, Alipurduar.

Additional Dist. & Sessions Judge,
1st Fast Track Court, Alipurduar.