

S.C. 160 of 2013

(Arising out of Samuktala PS Case No. 2/2013 dated 11.01.2013)

Order dated 06.01.2026.

Today is fixed for evidence of CSW 10.

Sole accused Binod Kharia is produced from DCH.

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

Prosecution witness CSW 10 Dr. Rejaul Minhaz is examined as PW 12 through video conferencing.

The Ld PP in charge submits that no further evidence will be adduced by the prosecution.

Accordingly prosecution evidence stand closed.

Fixing 30.01.2026 for examination of the accused under section 313 Cr PC .

Accused to be produced on date fixed from Alipurduar DCH.

Addl. Dist. & Sessions Judge, F.T.C. -1,
Alipurduar.
J.O. Code W.B. 01009

Contd.

Order dated 06.01.2026

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, F.T.C. -1,
Alipurduar.
J.O. Code W.B. 01009