

SC. 160/13 (CIS 745/14)

Order dated 20.01.2025

Today is fixed for evidence of CSW 1, 10 & 15 and production of accused.

The accused Binod Kharia is not produced from DCH.

Ld. P.P. in-charge and Ld. Advocate for the accused are present.

Summons have been issued upon prosecution witness CSW 1, 10 & 15.

The prosecution witness CSW 1 is present on receipt of summons. The CSW 1 is examined as PW 9 in part.

Fixing 20.02.2025 for further examination of CSW 1/PW9.

Issue summons. DA to comply

Later,

An application for bail is filed by the Id. Counsel for the accused submitting therein that the accused has been falsely implicated. The accused is a resident within the jurisdiction of this court. He will not abscond if enlarged on bail.

The Ld. P.P.-in-charge registers objection against the bail prayer.

On perusing the record it appears that the offense is heinous and the allegations are grave. Charges have been framed against the accused under section 376 (2) (f) IPC for rape. The victim girl is a minor as per the complaint. There are independent charge sheeted witnesses who are still to be examined by the prosecution. It further appears that the witnesses who had incriminated the accused are yet to be examined before the court. And enlarging the accused on bail at this stage may vitiate the trial. There is probability that the accused might tamper the prosecution evidence if enlarged on bail at this stage of trial.

It is found from the record that the accused have been long absconding and avoiding the process of the court since 05.08.2022 which have obfuscated the trial of this record.

Considering the materials on record and submissions made by both parties this court is not inclined to enlarge the accused on bail. Thus, the bail prayer of the accused stands rejected.

Todate 20.02.2025 for evidence of CSW 1/PW9 and production of accused.

Accused to be produced from D.C.H.

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

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

