

SC. 160/13 (CIS 745/14)

Order dated 20.02.2025

Today is fixed for production

Sole accused Binod Kharia produced from DCH.

Ld. Advocate for the accused is present.

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

Received SR of summons issued upon CSW 1/PW 9 Mohan Kharia after proper service. The witness is absent after receipt of summons. Issue WWA against the witness Mohan Kharia.

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.

Another application is filed by the Ld counsel for the accused praying for transfer of record before the ld POCSO court. Copy of the application is served upon PP in charge.

The Ld PP incharge prays for time for hearing of the application as necessary documents are required. Let the application be fixed for hearing on the next date.

Fixing 26.03.2025 for hearing and evidence of CSW 1/PW 9.

Issue summons. DA to comply.

Accused to be produced from D.C.H.

Dictated & Corrected by me,

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

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