

S.C. 169 of 2025

Order dated 31.01.2026

Today is fixed for production of the accused Bishal Dome and evidence of CSW 1 and 2.

The accused Bishal Dome produced from DCH.

Ld. Advocate for the accused is present.

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

An application for bail is filed for the accused Bishal Dome. Ld. Advocate for the accused Kaushik Banik 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 Debashis Goswami object to the bail of the accused pointing out the nature of the offense alleged under the Section 126 (2)/64 (1)/351 (2) of BNS. It is submitted that the nature of the offense is heinous and the allegation against the accused are grave.

Along with an application of bail, one affidavit is filed by one Binita Debnath with averments therein. It is required to be mentioned there is little scope to consider any affidavit filed along with bail application at this stage of trial. Such affidavit may be taken up for consideration at the time of evidence.

Considering the submission made by both the parties this court finds that the offense has been alleged under 126 (2)/64 (1)/351 (2) of BNS. of committing rape of a old woman and threatening her with dire consequence if she dared to inform the police which is indeed heinous in nature. Bishal Dome is the sole accused. It is also found that the primary witnesses of the prosecution have not been examined. Also that other 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.

Fixing 06.03.2026 for production and evidence of CSW 1 and 2.

Accused to be produced from D.C.H on date fixed.

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