

SC 177/2024
ST- 02 dtd. 06.01.2025

Order No.03
dtd.06.01.2025

1. Accused **Sadeep Barman @ Swadip Barman** is produced from Correctional Home and accused Anil Barman, Jyotsna Barman and Pradip Barman are present and memorandum of appearance of the said accused persons have been filed.
2. Ld. P P in charge is also present, so is Ld Defence Counsel.
3. The prosecutor opens his case by describing the charge brought against the accused. According to him there are sufficient materials to frame charges for commission of offence U/Ss. 85/108 of BNS against the above named accused persons. Ld. Advocate for the accused persons has submitted that his clients are innocent.
4. Perused the materials relied upon by the prosecution as available in the CD and in the case record.
5. Considered.
6. I find sufficient materials prima facie and of the opinion that there is ground for presuming that accused has committed the offence **U/Ss. 85/108 of BNS** and the case is exclusively triable by this Court.
7. Accordingly, the charge is framed **against accused person Sadeep Barman @ Swadip Barman, Anil Barman, Jyotsna Barman and Pradip Barman U/Ss. 85/108 of BNS.**
8. When the content of charge is read over and explained to the accused person in Bengali u/s 251 (2) of BNSS each of them pleads not guilty by saying "Nirdosh" and claims to be tried.
9. **At this stage a petition for bail is filed on behalf of the accused Sadeep Barman @ Swadip Barman.**
10. On behalf of the said accused the following issues have been highlighted :
 - He is in custody for considerable period.*
 - Co-accused persons are on bail.*
 - No petition has ever been filed for bail in the upper forum.*
 - Charge sheet has already been submitted and charge has also been framed and hence at this juncture further incarceration is not required.*
 - The accused will, being a law abiding person, diligently participate in the trial.*
11. Ld. PP has conceded that continued curtailment of liberty of the accused will not serve any purpose as it is illogical to think that restoration of liberty of this very accused will render the witnesses and evidences vulnerable by exposing them to the probable risk of influencing/tampering given the fact that other co-accused persons are already on bail since long. He has also mentioned in open Court that this is not a case where custodial trial is required.
12. It can be seen from the record and CD that initially case was started u/s 103 BNS and later charge sheet has been submitted u/s 108 of the said Sanhita. In the written complaint the father of the victim directly complained about murder and he even indicated that prior to committing murder the victim was physically assaulted and that she was assaulted in the house of a neighbour when she went there for help. However, the statement of neighbour Nakul Sarkar, recorded u/s 164 Cr.PC, prima facie shows that he is not in agreement with the description of event given in the complaint. Moreover, the stance taken by the prosecutor during the hearing does not leave the Court with any scope to nurture

any dichotomy in mind regarding absence of requirement to prolong incarceration of the accused. Accordingly, **the accused is set at liberty to furnish bail bond of Rs. 10,000/- supported by two registered sureties of Rs. 5,000/- each on condition that he will attend Court on each and every occasion** except the situations beyond his control.

13.Let the Ld. CJM, Alipurduar be informed.

14.The following schedule has been made for expeditious trial:

Date	Name of the witness	Rank of the witness
16.04.2025	Umesh Barman	CSW-1
17.04.2025	Shymal Barman	CSW-2
19.04.2025	Nakul Sarkar	CSW-3
21.04.2025	Pampa Dey Sarkar	CSW-4
22.04.2025	Manik Barman	CSW-5
23.04.2025	Nilima Barman	CSW-6
24.04.2025	Prasenjit Bariya	CSW-7
25.04.2025	Sitamayee @ Pratima Das	CSW-8
28.04.2025	Jhunur Sarkar (Barman)	CSW-9
29.04.2025	Sukumar Roy	CSW-10

Dictated & corrected
by me ;

Addl. Sessions Judge,
Fast Track 2nd Court, Apd.

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Fast Track 2nd Court, Apd.
(WB-00966)