



**In the Court of the Additional District & Sessions Judge, 2nd Court,
Bongaon, Dist.- North 24 Parganas**

Present

Shri Pradip Kumar Adhikary, WBJS,
J O Code (UID No.) - WB916,
Additional District & Sessions Judge,
2nd Court,
Bongaon, Dist.- North 24 Parganas.

CNR No.- WBNP 0600 2050 2021

SC No.- 104 of 2021

ST No.- 13 (08) of 2022

arising out of

Gaighata PS Case No.- 806 dated 07/09/2021

**Charge framed punishable under sections 302/201/120B/34 of the Indian Penal Code,
1860.**

State

Represented by the Ld. Panel PP Shri Bimal Ranjan Sur Roy

v.

Bablu Sardar and Johara Molla

Represented by the Ld. Advocate Shri Prasenjit Biswas, Shri Biman Biswas, Shri Debbojoti
Ghosh and Shri Suranjit Guha

Order No.- 34

13/11/2025

Today is fixed for evidence on behalf of the prosecution.

Out of two (02) accused one (01) accused **Bablu Sardar** on Court bail is present by filing hazira and another (01) accused **Johara Molla** is produced from judicial custody.

The Ld. Panel PP-in-Charge is present with CSW No.- 05 Sabina Khatun and CSW No.- 07 Mariyam Mondal.

The CSW No.- 05 is cross-examined in full and discharged.

The CSW No.- 07 is examined as P.W.- 07, cross-examined in full and discharged.

The Ld. Advocate on behalf of the accused **Johara Molla** has filed an application praying for bail of the accused on the ground that the accused is innocent, she has been implicated in a false case.

Re-iterating the grounds as mentioned in the bail application the Ld. Advocate on behalf of the accused has submitted that the accused is detaining behind the bar for about 1526 days. As per Article 21 of the Constitution and as per Article 05 of Universal Declaration of Human Rights she is entitled to get bail. The Ld. Advocate has pointed out that the prosecution has not cited some important witnesses such as doctor who conducted post-mortem in the charge-sheet. The prosecution could not complete trial after expiry of long period since charge has been framed. There are several inconsistencies in the evidence of witnesses examined so far. In the above circumstances the Ld. Advocate has prayed for bail of the accused on any condition.

Raising strong objection the Ld. PP-in-Charge has submitted that the accused Johara Molla is the principal accused who murdered her husband by slow poisoning in connivance with the co-accused with whom she had an illicit relationship. Till today the accused has changed six Ld. Advocates for conduct of her case. It is the accused herself who caused delay in trial. There are sufficient materials against the accused. Several vital witnesses are

yet to be examined. If the accused is enlarged on bail at this stage the prosecution will suffer a lot. There is chance of tampering of evidence. The accused may also abscond. In the above circumstances the Ld. Panel PP-in-Charge has prayed for rejection of bail.

Considered the materials on record.

This is a case punishable under sections 302/201/120B/34 of the Indian Penal Code, 1860.

The prosecution case is that the accused Johara Molla wife of the deceased Aminur Molla had developed an illicit relationship with the co-accused Bablu Sardar and 2 /3 months prior to the alleged murder she eloped with Bablu Sardar. Subsequently, her husband and children managed to return her back. But she has had no bond with family. The accused Bablu Sarkar threatened to kill Aminur Molla.

It is further alleged that on 04/09/2021 suddenly Aminur Molla who was then aged about 49 years died. Assuming that the death was a natural death he was buried.

Subsequently, on 06/09/2025 in the evening a secret mobile of Johara Molla was recovered and after searching of call records it was found that she had an illicit relationship with a man since long and she made a conspiracy with that man to kill her husband by administering deadly poison with food so that the thorn on the path can be removed. After hearing the call records as the family members ask Johara Molla about the incident, she admitted candidly that Bablu Sardar brought poison and Johara Molla administered the said poison to Aminur Molla through food and as a result he died.

During investigation the mobile handset was seized under seizure list.

It is the version of the prosecution that after arrest of both the accused they were remanded to police custody for seven days. During Police Remand leading to their statement both the accused persons were brought to Subidpur and they showed how they procured the poison. The accused Bablu Sardar identified the shop where from he purchased the poison in presence of independent witnesses. Thereafter, he showed where he put the poison after purchasing the same from the shop and thereafter, he informed the accused over phone to pick up the said poison.

The investigation further reveals that subsequently, both the accused were taken to the house of deceased Aminur Molla and the accused Johara Molla brought out and produced the bottle of poison and a plastic dropper from a drawer of a wooden structure and the accused Bablu Sardar also identified the bottle of poison to be the same bottle of poison which he purchased from the shop and gave it to Johara Molla.

The said bottle and dropper were seized.

During investigation CDR and SDR of mobile numbers of both the accused persons were seized and it was found that the accused persons Johara Molla and Bablu Sardar used to talk with each other for long time daily since long.

During investigation the IMEI number of the mobile of the accused Johara Molla is found to be same IMEI number of the seized mobile.

From the order dated 02/05/2022 it is found that *“it is a sensational case like Manuya incident of Barasat in the year 2017.”*

On 29/07/2022 the Ld. Predecessor-in-Chair has categorically observed that

The lady accused Johara Molla in collusion with the male accused Bablu Sardar on various pretext has been delaying the framing of charge of this case. Sometimes she is saying that she will appoint her own advocate and sometimes she says that she is willing to defend her case through an advocate of S.D.L.S.C, Bongaon.

The Ld. PP-in-Charge has already pointed out that during the course of this case the accused Johara Molla has already changed six Ld. Advocates.

Subsequently, on 18/08/2022 in CRM (DB) No.- 2613 of 2022 the Hon'ble Court was pleased to enlarge the accused Bablu Sardar on bail.

Ultimately on 29/08/2022 charge was framed punishable under sections 302/201/34/120B of the IPC against both the accused persons.

On the first schedule of evidence on 21/09/2022 the Ld. Defence Counsel sought for an adjournment as well as shifting of schedule.

On the next schedule i.e. on 23/11/2022 the accused filed an application under section 231(2) CrPC. However, on that day the de-facto complainant was examined.

On 28/03/2023 the Ld. Advocate on behalf of Johara Molla filed an application praying for exemption from defending the accused.

In the mean time four witnesses were examined pending cross-examination under section 231(2) CrPC.

On 11/05/2023 the newly appointed Ld. Advocate on behalf of the accused Johara Molla sought for adjournment.

On the next two days the case was adjourned due to resolution of the Bar Association.

On 12/09/2023 and 02/12/2023 P.W.- 05 was examined.

On 02/12/2023 the Ld. Advocate Shri Suranjit Guha was permitted to meet the accused Johara Molla in Sub-Divisional Correctional Home for conversation.

On 27/02/2024 and 28/02/2023 the P.W.- 01 was cross-examined. On 29/02/2024 no witness was present

On the next schedule on 03/05/2024 the PO was on leave.

This PO joined this station on 14/06/2024.

On the next schedule on 18/07/2024 the case was adjourned due to resolution.

On 27/08/2024 no witness was present. On 28/08/2024 again the case adjourned due to resolution.

On 28/11/2024 although the witness was present the Ld. Defence Counsel sought for adjournment.

On 29/11/2024 P.W.- 02 was cross-examined.

On 11/12/2024 two witnesses i.e. P.W.- 03 and P.W.- 04 were present for undergoing cross-examination but the Ld. Defence Counsel sought for adjournment and the same was granted on **cost of Rs. 1,000/-**.

On 03/01/2025, 04/01/2025 and 13/02/2025 the Ld. PP-in-Charge was absent.

On 23/04/2025, 24/04/2025 and 14/05/2025 P.W.- 03, P.W.- 04 and P.W.- 05 were cross-examined.

On the next schedule on 16/07/2025 the Ld. PP-in-Charge prayed for shifting of schedule since he has not issued summons due to his diary mistake.

On the next schedule on 10/11/2025 the P.W.- 06 was examined. However, the Defence Counsel sought for adjournment.

Today, P.W.- 06 was cross-examined in full and another witness was examined as P.W.- 07, cross-examined in full and discharged.

On 27/11/2024 in *X v. State of Rajasthan* : **SPECIAL LEAVE PETITION (CRIMINAL) NO. 13378 OF 2024 : 2024 INSC 909** the Hon'ble Supreme Court has been pleased to herald that

14. Ordinarily in serious offences like rape, murder, dacoity, etc., once the trial commences and the prosecution starts examining its witnesses, the Court be it the Trial Court or the High Court should be loath in entertaining the bail application of the accused.

15. Over a period of time, we have noticed two things, i.e., (i) either bail is granted after the charge is framed and just before the victim is to be examined by the prosecution before the trial court, or (ii) bail is granted once the recording of the oral evidence of the victim is complete by looking into some discrepancies here or there in the deposition and thereby testing the credibility of the victim.

16. We are of the view that the aforesaid is not a correct practice that the Courts below should adopt. Once the trial commences, it should be allowed to reach to its final conclusion which may either result in the conviction of the accused or acquittal of the accused. The moment the High Court exercises its discretion in favour of the accused and orders release of the accused on bail by looking into the deposition of the victim, it will have its own impact on the pending trial when it comes to appreciating the oral evidence of the victim. It is only in the event if the trial gets unduly delayed and that too for no fault on the part of the accused, the Court may be justified in ordering his release on bail on the ground that right of the accused to have a speedy trial has been infringed.

The accused is entitled to get speedy trial and the same is being provided to the accused.

There is no doubt that the accused has contributed much in delaying the framing of charge as well as trial along with other grounds such resolution of the Bar Association where also the Defence Counsel has consent.

The evidence recorded so far prima facie indicates involvement of the accused Johara Molla in commission of the alleged offence.

Upon such consideration and hearing it appears that although the accused Johara Molla is in custody since long but there are reasonable grounds for believing that the accused has been guilty of offence punishable with death or imprisonment for life.

So, considering the nature of allegation, gravity of the offence, enormity of the crime, heinousness/seriousness of the accusation, circumstances in which it was committed, severity of the punishment in the event of conviction, the nature/character and strength of evidence in support of the accusation/charge such as statement of the de-facto complainant, statement of the witnesses recorded under section 161 CrPC / 180 BNSS as well as recorded during evidence so far, recovery of articles more particularly mobile handset from the custody of the accused under seizure list, seized CDR and SDR of mobile numbers of both the accused persons which prima facie indicate that the accused persons Johara Molla and Bablu Sardar used to talk with each other for long time daily since long, matching of IMEI number of the mobile of the accused Johara Molla with IMEI number of the seized mobile, etc. and the danger of justice being thwarted with by grant of bail, danger of the accused absconding or fleeing, if released on bail and reasonable apprehension of tempering with the witnesses, circumstances peculiar to the accused, the larger interests of the public or the State, the prayer for bail is refused at this stage.

The accused Johara Molla is remanded to judicial custody till next date.

To 16/06/2026 for evidence of CSW Nos.- 06, 08 and 09 ;
To 17/03/2026 for evidence of CSW Nos.- 10, 11 and 13;
To 18/03/2026 for evidence of CSW Nos.- 14 to 16;and
To 19/03/2026 for evidence of rest CSWs in terms of section 231, Cr.P.C / 254,
BNSS.

The accused on Court bail is directed to remain present on the next date.

The Superintendent of the concerned Correctional Home is directed to produce the accused who is in judicial custody on the next date.

In compliance with the mandates of the Hon'ble Apex Court as well as our Hon'ble Court the Investigating Officer is directed to remain present during trial.

The Investigating Officer is also directed to keep the witnesses present in Court.

The Officer-in-Charge of the concerned Police Station is directed to ensure the presence of the Investigating Officer on the date(s) fixed along with witness(es).

If due to some unavoidable circumstances it is not possible for the Investigating Officer to remain present before the Court, the Officer-in-Charge shall depute any other competent police officer who shall ensure the presence of witnesses before the Court on the date of recording of evidence.

It is the duty of the Investigating Officer to protect the witnesses and ensure their presence before the Trial Court, for taking to its logical conclusion. It will help both the victim and the accused person, to have speedy justice which pertains to their right to life as well.

The prosecution is directed to issue process for compelling the attendance of the witnesses and / or the production of the document or thing, if any and to inform the Investigating Officer.

Let a copy of this order be sent to the Officer-in-Charge of the concerned Police Station for compliance.

The Bench Clerk is directed to do the needful at once.

The case diary is returned.

Typed by me

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