

IN THE COURT OF ADDITIONAL SESSIONS JUDGE,
2ND COURT, BANGAON, NORTH 24 PARGANAS.

Present: Smt. Kumkum Singha (WB00712)
Additional Sessions Judge, 2nd Court,
Bangaon, North 24 Parganas.

ST 03(11)2025
(CNR No. WBNP06002635-2024)

Order No.19
15.01.2026

Today the bail petition filed on behalf of accused Amit Kirtaniya who is in J.C. is heard from both sides.

Ld. Defence counsel argues that this accused person was enlarged on bail previously by Ld. District Judge under Section 438 Cr.P.C. and thereafter bond was submitted before Ld. ACJM. When the case has been committed and transferred to this court then this accused person was shown as filed for the present but thereafter by order of this Ld. Court WA was issued against that absconder and finally he was detained at IGI Airport, New Delhi on 08.10.2025 at the time of arrival from Ulaanbatar Mongolia and on 16.10.2025 he was produced before Ld. ACJM, Bangaon from where he was produced before this court and since then he is in custody. In this case charge has already been framed on 12.11.2025 fixing schedule for evidence from 10.02.2026 to 12.02.2026. In the meantime for this accused person repeated times bail petitions have been filed but only the ground of his conduct the bail prayers have been rejected. Against him the allegation is not directly under Section 376 of IPC. The feeble statement is made as if he attempted to commit such offence. Already the other accused persons of this case against whom the direct charge under Section 376 of IPC is lying he is on bail. At present he is undertaking not to leave the jurisdiction of the court till completion of the trial and thus the mercy of the court is prayed for to release him on bail considering the period of detention already he is suffering.

On the other hand, Ld. PP raises vehement objection. The Ld. PP draws my attention regarding the allegation raised against him and also the continuous conduct of this accused person to evade the process of trial. It is further submitted that from previous orders Ld. Court will find that to bring him into this record the administration have to take serious steps for a long period of time. However, if at this stage before completion of evidence he would be enlarged on bail there is chance of absconsion again resulting to unnecessary delay in trial. Thus the bail petition is seriously objected.

Considered the submission of both sides. Perused the CD.

At this stage of trial I think as a court of law I should not observe anything regarding the merit of the case which may seem to be prejudging the case. The conduct of the accused is not good and there is no doubt about it. But at the same time he is in custody for a long period of time while the other prime accused is enjoying the liberty on bail. Thus considering all that facts and circumstance I am of opinion that this time the bail petition may be allowed on contest. Accused may find bail of Rs. 40,000/- in two registered surety Rs. 20,000/- each or like amount i.d. to J.C. subject to the satisfaction of Ld. ACJM, Bangaon with stipulation that he would not leave the jurisdiction of this court and his permanent address before completion of trial without permission of this court and also not to

tamper any evidence and to be present positively on each date of trial in default adverse order will be passed.

Return CD.

A copy of this order be sent to the Ld. ACJM, Bangaon for necessary information.

Dictated & Corrected by me

ADJ-2, Bangaon, North 24 Parganas.

Additional District & Sessions Judge,
2nd Court, Bangaon, North 24 Parganas