

S.T. 2(3)2020

Order no. 52

Dated, 15.11.2022

Today is fixed for appearance, production and evidence. Out of 2 accused persons, accused Nuruddin Sk. is absent and wants to be represented u/s 317 of Cr.P.C. through his Advocate. Accused Hamidul Sk. is produced from J.C. and remanded to J.C.

A bail petition is filed on behalf of accused Hamidul Sk.

No witness is present today. Heard Ld. Advocate for the accused Hamidul Sk. and Ld. P.P. in charge on the bail petition.

Perused the materials on record as well as in the C.D.

It is submitted on behalf of accused that he is in custody for more than 4 years, although he has been fakely implicated in this case. It is further submitted that there is no materials against the accused Hamidul Gazi in the evidence as well as in the C.D. It is further pointed out that co-accused Nuruddin Sk. was enlarged on bail way back in the year 2016.

Ld. P.P.in charge raises no objection against the bail prayer and submits that there is no incriminating materials against the accused.

In this case charge has been framed against both the accused persons u/s 365/366/366A/417/370/34 of IPC. The bail petition of the present accused was turned down on several occasions after considering incriminating materials in the C.D. However, the co-accused Nuruddin Sk. , who is in the same footing was enlarged on bail by the Ld. Additional Sessions Judge, Basirhat on 18.08.2016.

Considering the period of detention of the present accused and the fact that the co-accused Nuruddin Sk. is on bail, I find further detention unnecessary at this stage. Moreover, the prosecution could not make sufficient progress in the trial by producing the C.S. witnesses apart from the de facto complainant. Accordingly, the bail prayer is allowed.

The accused Hamidul Sk. may find bail of Rs.4,000/- with two sureties of Rs.2,000/- each, subject to the satisfaction of the Ld.A.C.J.M. Basirhat, on condition to appear regularly on the date fixed for the trial.

The prosecution is directed to take steps for producing the C.S. witnesses.

To 11.01.2023 for appearance and evidence.

D/C

Addl. Sessions Judge  
Fast Track 3<sup>rd</sup> Court, Basirhat