

S.T. 2 (02) 2024 [R- 361/23]

Order dated 09.01.2026

Today is fixed for appearance of accused persons and evidence.

Accused Bapi Molla, Pintu Molla, Moinuddin Molla @ Madhu @ Mohiruddin Molla @ Bhadu and Sukur Sk @ Sukur Ali Sk.

On scrutiny is found that two accused persons on C.B. namely Aijul Molla and Aimad Ali Sapui are physically present. Regarding another accused on C.B. namely Azaharuddin Molla, it has been submitted by his Id. Advocate that he has been arrested in connection with another case of Bishnupur P.S. and to the best of his knowledge he is in J.C.

The I.O. is directed to verify the information and submit a report to enable this court to issue PW-2 and advance the trial. The surety concerned are also directed to furnish information to this court regarding the present whereabouts of accd. Azaharuddin Molla. For the above reason evidence of the witness present namely Kalo Sekh could not recorded.

Inform I.O. by sending a copy of this order sheet.

Prosecution is directed to make proper surveillance in this regard to assist this court to proceed further with the trial.

The accused person, Mainuddin Molla @ Madhu, has moved the present application praying for bail in connection with the above-noted Sessions Trial. It has been contended on behalf of the accused that he has been falsely implicated in the present case despite being innocent and that he has been in custody since 21.05.2023. It is further submitted that the case was transferred to this Court on 22.09.2023 and that a substantial number of public witnesses have already been examined by the prosecution. Attention of the Court has been drawn to the fact that one of the co-accused, namely Aizul Molla, has been granted bail by the Hon'ble Supreme Court of India in SLP (Criminal) No. 1184 of 2024 by order dated 22.10.2024 with a direction upon the trial court to expedite the trial and make an endeavour to conclude the same within six months. It has also been submitted that two other co-accused persons, namely Ajaruddin Sk. and Aymud Ali Sapuri, have been granted bail by the Hon'ble High Court at Calcutta in CRM No. 226 of 2025 and CRM No. 634 of 2025 respectively. The accused further asserts that he has been in custody for a considerable period, that he is the sole earning member of his family and that his aged father is suffering from various ailments and has none to look after him. It is also contended that no earlier bail application of the accused was rejected on merit and that the earlier application before the Hon'ble High Court at Calcutta was not pressed. An undertaking has

been given that, if released on bail, the accused shall appear on each and every date fixed and shall abide by all conditions imposed by the Court. It has further been argued that there is no likelihood of tampering with evidence, as most of the prosecution witnesses have already been examined.

The prayer for bail has been vehemently opposed by the learned Public Prosecutor, who has submitted that the involvement of the present accused has clearly transpired from the evidence already adduced by the prosecution witnesses examined so far. It has been argued that the offence alleged is grave in nature and that releasing the accused on bail at this stage would not be safe, particularly in view of the remaining witnesses yet to be examined, as there exists a reasonable apprehension of influencing or intimidating such witnesses.

I have carefully considered the petition, perused the case record, including the evidence already adduced, and heard the submissions advanced on behalf of both sides. On a meticulous assessment of the materials on record, it appears that there are specific allegations against the present accused and his involvement has revealed in such a manner from the evidence, both pre-charge and post-charge, that granting him bail will not be fit and proper. Considering the nature and gravity of the offence alleged, the role allegedly attributed to the accused, chance of tampering further evidence yet to be adduced and the stage of the trial, I am of the considered view that this is not a fit case for granting bail at this juncture.

Accordingly, the prayer for bail is rejected.

To **02.02.2026** for production of JC accused persons, appearance of CB accused persons and further trial.

D/C by me

Additional Sessions Judge,
1st Court, Alipore

Additional Sessions Judge,
1st Court, Alipore