

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

Present : Sri Rajesh Chakraborty (JO Code-WB00764)
Additional Sessions Judge, 1st Court, South 24 Pgs at Alipore

Order No. 60 dated 02.02.2026

Today is fixed for appearance, production of accused persons and evidence.

Out of seven accused persons, three accused persons namely Azaharuddin Sk., Aizul Jamadar @ Molla and Aimad Ali Sanpui on CB are present.

Other four accused persons are produced from J.C.

Ld. P.P. In-Charge is present along with witness PW-12.

PW-12 Kalo Sk adduced evidence on behalf of prosecution. His examined in chief is deferred on the prayer of prosecution.

At this stage a bail petition is filed on behalf of accused Pintu Molla on the ground that he has been in judicial custody for a considerable period since 20.05.2023 and that he claims to be innocent of the allegations levelled against him. It has been contended that further detention of the accused is not warranted and that he deserves to be enlarged on bail.

The learned Public Prosecutor has vehemently opposed the prayer, submitting that the prosecution witnesses examined so far have, in clear and categorical terms, spoken about the incriminating involvement of the accused in the alleged incident of murder. It has further been argued that the nature of the evidence already on record discloses a prima facie case of grave seriousness and that the release of the accused at this stage may adversely affect the course of the trial.

Ld. Advocate for the defacto complainant also raised objection.

Considered the submissions advanced by both sides and I have carefully perused the materials available on record. The accusation against the accused relates to an offence of extreme gravity, involving the alleged commission of murder. The seriousness of the charge, by its very nature, carries with it severe penal consequences, and therefore demands a cautious and circumspect approach while considering a prayer for bail.

From the record, it transpires that several prosecution witnesses have already been examined and their statements, as placed before this Court in the

form of statements u/s 161 Cr P C and deposition of 11 PWs on oath, prima facie point towards the alleged involvement of the accused in the commission of the offence. At this stage of the trial, when further evidence is yet to be brought on the dock, this Court cannot lose sight of the possibility that the presence of the accused outside the custody may create a reasonable apprehension of his influencing or intimidating witnesses, or otherwise interfering with the due course of justice.

This Court is also mindful of the contention raised regarding the period of custody undergone by the accused. However, mere length of detention, by itself, cannot be the sole determining factor for grant of bail, particularly when the allegations are of a heinous nature and the prosecution has been able to place materials which, on the face of it, disclose a prima facie case against the accused.

The likelihood of the accused absconding in the event of his release on bail also cannot be ruled out, considering the gravity of the offence and the severity of punishment that may follow upon conviction. The interest of justice, therefore, requires that the trial proceeds without any impediment or risk of evidence being tampered with or witnesses being influenced.

Taking into consideration the nature and gravity of the offence alleged, the materials including evidence available on record, the stage of the trial, and the reasonable apprehension of absconsion and tampering with evidence yet to be adduced, this Court is of the considered view that this is not a fit case for exercise of discretion in favour of the accused. Accordingly, the prayer for bail on behalf of the accused Pintu Molla stands rejected.

To **06.03.2026** for production of J.C. accused persons, appearance of CB accused persons and further evidence.

D/C by me

Additional Sessions Judge,
1st Court, Alipore

Additional Sessions Judge,