

SC 170 of 2022

Order no. 5 dated 13.07.22

Today is fixed for hearing of bail petition filed for all the 3 accused persons who are in custody. All the 3 accused persons namely Ajgar Laskar, Rabiul Sardar @ Babulal and Ajahar @ Ajaharuddin Laskar @ Raja are produced from J.C.

Ld. Special PP is present.

Bail petition is taken up for hearing.

Heard both sides.

Ld. advocate for the accused persons submits that before this occasion these accused persons never prayed for bail in this case and accordingly there is no order of rejection of bail in this record. He refers to statement of one witness of CD page no. 57 which discloses about CCTV footage of one liquor shop which shows presence of these 3 accused persons there and absence of the victim there. According to him this evidence is vital to prove innocence of these accused persons. It is also submitted by Ld. Advocate for the accused that there is no eye witness in this case and these accused persons have been falsely implicated here. Hence, he prays for their bail.

Ld. Special PP opposes bail prayer of he accused persons stating that this case is completely based upon circumstantial evidence and sufficient qualitative evidence has been collected by I.O. against these accused persons to prove that they committed said crime. He further submits that said liquor shop is not place of occurrence but it relates to the alleged incident as empty liquor bottle of that liquor shop was found from P.O. Murder weapon has been recovered from these accused persons and all these evidence leads to their direct involvement in the crime.

Perused all the materials available in CD including statement of witness made u/s 161 Cr.P.C, seizure list , inquest report as well as P.M. report of the victim, photographs, mobile location along with other material. Considering all the materials collected against these accused persons by I.O. during investigation, nature of evidence upon which prosecution case is based as well as heinous nature of crime I decline to rule out the possibility of tampering evidence influencing wittinesses by these accused persons if they are bailed out and also their chance of abscondance.

For fair and speedy trial of this case prayer for bail by all the 3 accused persons stands rejected.

Ld. Special PP prays for speedy disposal of this case and files one petition to that effect today and at the same time Ld. Advocate for the accused persons files one petition praying for time today. Heard both sides. Prayer for time as made by Ld. Advocate for the accused persons is allowed today as last chance.

Prayer for speedy trial of this case is allowed and accordingly short possible date is given.

Fixing 22.07.22 for consideration of charge at 11 A.M. and production of all the 3 accused persons.