

S.T.03(09)23
S.C.307 of 2022
G.R.1373 of 2022
Parulia Coastal P.S.Case No.38 of 2022
CIS 307 of 22

Order No :11
Dated 01.04.2024

Record is put up today at the instance of the accused namekly Khalek Molla. One bail petition comes up from the sde of the accused.

Ld. P.P. in charge is present.

Record is taken up for hearing on the bail petition.

Heard the Ld. Advocate of the accused person and Ld.P.P. in charge.

Perused the instant bail application and the materials on record.

It is submitted on behalf of the accused that five witnesses so far have already been examined by the prosecution, out of which two witnesses are the near relatives of the deceased who has been allegedly murdered by the accsed persons. It is further submitted that none of the prosecution witnesses examined so far has stated anything against the accused persons in support of the prosecution case and as such the accused/petitioner who has ben facing the trial as an UTP may be granted bail on any condition whatsoever. Accordingly, Ld. Advocate for the accused prayed for granting his client bail on any condition as would be deemed fit by this Court.

Ld. P.P. in charge by raising formal objection subitted that this is a case u/s.302 I.P.C. and based on the prima facie materials on record, the accused was refused bail earlier on number of occasions. He however submittd that the witnessess examined by the prosecution so far have not supported the prosecution case.

As a mattter of fact, this is a case u/s.302/201/34 I.P.C. in which there are altogether two accused persons out of whom one is on bail and the another one being the petitioner herein has been facing trial from judicial custody. As per the prosecution case, the accused persons are charged with the offence of committing the murder of Jasmina Bibi who happened to be the wife of Khalek Molla, the petitioner herein(accused No.1).The record reveals that FIR was lodged by Nazbul Molla who is the son of the deeeded Jasmina Bbi and Khalek Molla(the accused No.1). The defacto complainant Nazbul Molla and his sister Asmina Bibi being the most vital witnesses of the prosecution have already been examined as P.W. 1 and 2 respectively in this case. Besides three other material witnesses have also been examined by the prosecution so far. Unfortunately none of these witnesses during their examination made any candid increminating statement against any of the accused persons. Therefore, it can be safely said that the witnesses examined by the prosectuion so far have not corroborated the prosecution case. There are some other witnesses also who are yet to be examined in this case and the Court is not in a position to antitipate the weightage of the other witnesses who are yet to be examined in this case. Unfortunately the witnesses who have been already examined by the prosecuton are material witnesses amongst whom two witnesses being P.W. 1 and 2 are the best prosecution witnesses since being the son and

daughter of the deceased. The witnesses examined by the prosecution so far having made no candid statement against the accused persons in support of the prosecution case, the Court can get a hint about which direction the fate of the prosecution case is going on.

Having regard to such matter, this Court is inclined to grant interim bail to the accused with certain conditions as would be mentioned hereinbelow.

The bail petition filed by the accused is accordingly allowed.

The accused person namely Khalek Molla, son of Lt. Abed Ali Molla of Vill. Kamarpole Dighiroar, P.S. Parulia Coastal, Dist. South 24 Parganas may find interim bail of Rs.10,000/- with two sureties of Rs.5,000/- each, out of which one must be local/cash surety, to the satisfaction of the Ld. Additional Chief Judicial Magistrate, Diamond Harbour, South 24-Parganas till 09.05.24, with further conditions that the petitioner shall appear before the court on every date of hearing until further orders and shall not enter the jurisdiction of Parulia Coastal P.S and shall not leave the jurisdiction of this Court till disposal of this case. A violation of the order shall automatically amount to cancellation of the bail.

If on bail to 09.05.24 for appearance and evidence.

Let a copy of this order be communicated to the Ld. ACJM, Diamond Harbour, for his information and taking necessary action. Ld. Additional Chief Judicial Magistrate, Diamond Harbour, South 24-Parganas shall issue release order after accepting the bail bonds.

Let another copy of this order be communicated to the O.C.Parulia coastal P.S. for his information and taking necessary action and he is further directed to ensure the accused Khalek Molla does not enter the jurisdiction of Parulia Coastal P.S. so long this case is pending.

To date.

Additional Sessions Judge
2nd Fast Track Court, Diamond Harbour

Memo No.

Dated :-

Copy of this order communicated to the

1. Ld. ACJM, Diamond Harbour
2. O.C. Parulia Coastal P.S.

Additional Sessions Judge
2nd Fast Track Court, Diamond Harbour