

Sessions Case No.60 of 2024
CNR No. WBUD01-001007-2024
JO Code No. WB00700

Order no.30

Dated: 12.12.2025

Today is the last day of the schedule.

The accused **Bhramar Sarkar** is produced from J/C through V.C mode.

The two bailed out accused persons are present by filing hazira.

No Service return of summon is received.

However two witnesses namely Lalita Sarkar and Sonali Sarkar are present. However the prosecution declined to examine them on the ground that both the witnesses are blood related to the accused persons.

Prayer is of the prosecution is considered and allowed.

Let the witnesses be discharged and their names be expunged from the list of witnesses.

At this stage, Ld. Defence counsel files an application for bail for custody accused Bhramar Sarkar.

Now, the bail petition is taken up for hearing.

It is submitted by the Ld. Advocate that 21 witnesses have already been examined. The other two accused persons have already been enlarged on bail. It is further contended that no substantial incriminating material has transpired against the accused, Bhramar Sarkar. It is also contended that some formal witnesses, medical officers, and the Investigating Officer are yet to be examined, and if bail is granted, the question of the accused tampering with evidence does not arise. It is additionally submitted that all the main witnesses have been examined by the prosecution, and the defence prays for bail on such conditions as the Ld. Court deems fit and proper.

On the other hand, Ld. Public Prosecutor Mr. Swarup Biswas and Ld. Advocate for the de facto complainant, Mr. Subhadeep Mukherjee, raise strong objections to the bail prayer of the accused on the ground that there are sufficient incriminating materials against him and that if bail is granted, the cause of substantial justice may be defeated. It is further contended that an earlier bail application for this accused was moved before the Hon'ble High Court and the Hon'ble High Court was pleased to reject the said application prior to the commencement of the trial.

Heard all sides. Perused the oral testimonies of PW-1 to PW-4 and other witnesses available on record. It also appears that some other vital witnesses are yet to be examined.

Upon consideration of the facts, circumstances and nature of the case, it is observed that *prima facie* materials are available. The nature of the offence is grave and the direct or indirect involvement of the accused cannot be ruled out. Moreover, I am of the view that, if at this stage bail is granted to the accused in custody, the course of substantive justice may be defeated. Accordingly, the prayer for bail stands rejected.

At this stage, an application u/s 311 of Cr.P.C is filed by the prosecution for examination of more nine witnesses who are not cited as prosecution witnesses by the IO.

Copy has been shown to the defence.

Heard the submission over the application.

Considered. I think to render proper adjudication, this application is required to be allowed, otherwise justice may be defeated.

Accordingly, the following schedule is prepared:-

Fix **07.01.2026** for evidence of CSW-23, Tulu Murmu and Md. Samim Alam;

- **08.01.2026** for evidence of Dr. Bhaskarjyoti Debnath and Quadira Sultana;
- **09.01.2026** for evidence of Nodal Officer Airtel and LSD Jharna Mandal;
- **13.01.2026** for evidence of CV 155 Ankush Sarkar and CV Mithun Chandra Roy and SI Swarup Ghosh of Kaliyaganj P.S.

Prosecution to take effective steps to ensure the attendance of the witnesses mentioned above.

Custody accused be produced on the date fixed positively.

The accused who is on Court bail, must be present on the date fixed.

Typed and corrected by me.

Sessions Judge,
Uttar Dinajpur

Sessions Judge,
Uttar Dinajpur