

Sessions.60/2024
WBUD01-001007-2024

Present:- Sri Surajit Mandal (WB00993)
Sessions Judge-in ch, Uttar Dinajpur at Raiganj

40/12.03.2026

The regular P.O is busy with the "Special Intensive Revision"(SIR) in terms of administrative order no.102 dated 11.03.2026 of the Office of the District Judge, Uttar Dinajpur issued in obedience to the solemn order of the Hon'ble Supreme Court of India in Writ Petition no.1089/2025.

Today is fixed for recording evidence of two witnesses.

One accused namely Bhramar Sarkar is produced from J/C through V.C mode. Rest two accused persons namely Mithun Sarkar and Amal Sarkar are on Court bail. They are present by filing hazira.

No witness has turned up today.

It appears that the schedule has already exhausted on this date. Accordingly, fresh schedule is required to be prepared.

Bail petition is filed on behalf of accused Bhramar Sarkar. Copy is served upon the prosecution.

Heard Ld Advocate for the accused.

Ld Advocate submitted that this accused is facing custody trial. He has been in custody for a long time now. Many witnesses have already been examined in this case. The evidence of 22 important witnesses is already completed. From such evidences, it would appear that no such material can be found against this accused. Ld Defence counsel further submitted that out of the three accused persons who are facing trial, two are already on bail. The role played by this accused which is alleged in the FIR and other relevant documents, cannot be distinguished from the role played by the rest two accused persons who are enjoying bail. Ld Advocate further argued that the entire schedule has exhausted but in this schedule no witness could be examined. This accused has a permanent residence. He will appear on each and every date fixed if he is granted bail. As the co-accused persons are already on bail, the liberty of bail may be extended to this accused also as he is on exactly the same footing. Ld Advocate further argued that in this case, the prosecution has filed an application u/s 311 Cr.P.C praying for recording examination of some other witnesses also who are not charge sheeted witnesses. The trial is going to take a long time. For all such reasons, the prayer for bail in respect of this accused may be allowed on any condition.

Ld Public Prosecutor raised objection and submitted that there is direct allegation the three accused persons in the FIR of committing murder of the victim. The involvement of this accused cannot be ruled out from the evidence that has already been recorded. Though, it is a fact that the rest two accused persons are on bail, yet this accused has not been granted bail till date considering his involvement in the offence. Ld PP further argued that the Hon'ble Court was earlier pleased to reject the prayer for bail in respect of this accused. Ld PP, accordingly, prayed for rejection of bail application.

(Contd....)

I have perused the case record including previous orders. I have also perused the orders passed by the Hon'ble Court in CRM 1910 of 2025. By virtue of that order, the Hon'ble Court was pleased to grant bail to a co-accused Amal Sarkar. The other co-accused namely Mithun Sarkar was granted bail by this Court.

I have perused the evidence that has been recorded till now. It appears from the record that on an earlier occasion, this accused had moved the Hon'ble High Court and vide CRM(M) 2914 of 2025 dated 22.01.2026, the prayer for bail in respect of this accused Bhramar Sarkar was rejected by the Hon'ble Court. The Hon'ble Court in the said order had observed that " within a schedule period the evidence of the case has been progressing, substantial evidence has already been recorded and, at this stage, granting of bail will eclipse the facts of the case with that of the period of detention.

Having considered the manner in which the case is progressing, I am of the view that at this belated stage, it will not be fit and proper to grant bail to the petitioner in spite of this detention for a period of 751 days. Learned trial court would in its usual fairness proceed with the trial of the case."

It appears that this order was passed by the Hon'ble Court on 22.01.2026 which is within two months prior to this date. At this stage, I do not find any special circumstances to consider the bail application in respect this accused afresh. There is no such ground that would induce confidence in this Court that a fit time has appeared to grant bail to him. Accordingly, prayer for bail in respect of accused **Bhramar Sarkar** stands **rejected**.

Fix 27.03.2026 for evidence of CSW-23 and Md. Samim Alam;

• 30.03.2026 for evidence of Dr. Bhaskarjyoti Debnath and Quadira Sultana;

• 31.03.2026 for evidence of Nodal Officer Airtel and LSD Jharna Mandal;

• 01.04.2026 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.

Dictated & Corrected by me,

Sessions Judge,
Uttar Dinajpur at Raiganj.

Sessions Judge,
Uttar Dinajpur at Raiganj.

