

CNR WBUD01-002647-2025, JO CODE WB00993
Sess. Case no. 183/2025

06/04.02.2026

Today is fixed for taking evidence of IO.

The sole accused is absent.

LADC representing the accused filed a petition u/s. 317 CrPC. The prayer is considered and allowed.

No witness has turned up today.

On perusing the material evidence which is on record, I am of the view that calling further witnesses shall not served the purpose of the prosecution.

Accordingly, evidence for the prosecution stands closed.

Fix 24.02.2026 for examination of accd u/s. 313 CrPC.

Dictated by me.

Judge

Addl. Dist. & Sess. Judge,
FTC-I, Raiganj, Uttar Dinajpur.

KALIYAGANJ PS CASE NO. 212/2019 DT.16.09.2019
COPY OF ORDER

CNR WBUD01-000766-2021, JO CODE WB00993
Sess. Case no. 32/21

75/03.01.2026

The record is put up today by petition.

Ld advocate for the petitioner / accused Nur Islam has filed a petition praying for bail on behalf of the accused.

Copy of bail petition is served upon Ld P.P in charge.

Heard both sides.

Ld Advocate for the accused Nur Islam today submitted that this accused is in custody since 22.09.2025. Prior to that, this accused had been an absconder. On 22.09.2025, he voluntarily surrendered.

Ld Advocate further submitted that this accused is now in custody for more than 3 months. He has not prayed for bail before the Hon'ble High Court.

The trial of this case was in progress. But vide order no. 50 dt. 03.07.24, this court had allowed a petition from the side of the prosecution, filed u/s. 311 CrPC for examining 22 other witnesses. The accused persons then challenged the said order before the Hon'ble High Court, Calcutta and the Hon'ble High Court was pleased to stay further proceedings of this court vide CRR no. 4566 of 2024.

Ld Defence Counsel today filed a server copy of CRR 4566 of 2024 with CRAN 02 of 2025 dtd. 07.05.2025 from where it appears that the Hon'ble High Court has now been pleased to extend the interim order of stay.

Ld Advocate today submitted that as the matter is now stayed before the Hon'ble High Court, there is no immediate possibility of the trial in the recent future.

Ld Advocate further submitted that the Hon'ble High Court has in CRM (DB) 2581 of 2024 dtd. 11.09.24, granted bail two accused persons namely Mijenur Rahaman and Sohel Rana. In that order, Hon'ble High Court has opined that the allegations are serious but the petitioners are in custody for more than 4 years. Though the trial has progress considerably, 23 new witnesses were permitted to be examined and so there was no possibility of conclusion of the trial at an early date.

Ld advocate also submitted that again the Hon'ble High Court has on 26.03.25 in CRM (DB) 3716 of 2024 granted bail to Dalil Miya and

others where again the Hon'ble Court has considered that the accused persons were in custody in excess of 5 yrs and presently the Hon'ble Court has stayed further proceedings of this case because of a revisional application pending before the Hon'ble Court. Similarly, on 02.07.25 the Hon'ble Court in CRM (M) 813 of 2025 granted bail to Ilias Husain where again the Hon'ble Court has held that the incarceration during trial cannot be converted into punitive detention and the court is conscious of the fact that the delay is also on account of the fact that the revisional petition is filed by the co-accused in which stay has been granted by the Hon'ble Court. It has also been held in point no.6 that for that reason the

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petitioner cannot be penalised and particularly when two of the other co-accused persons have been admitted to bail on the period of long incarceration. In point no.7 it is also observed that the petitioner Ilias Miya had circumstances similar to Dalil Miya, Mijanur Rahaman and Sohel Rana.

Today Ld advocate for the accused petitioner Nur Islam prayed before this court that the alleged involvement of all the accused persons in this case are of a similar nature. Though the Hon'ble Court has come to a finding that the allegations are very serious, yet considering the period of incarceration and considering the fact that immediate trial is not possible in view of the stay granted by the Hon'ble Court, on three occasions, separate benches of the Hon'ble court have been pleased to grant bail to all the other accused persons who were in custody.

Ld Advocate further submitted that considering similar circumstances, this court vide order no. 67 dt. 10.07.2025 granted bail to accused Majedur Rahaman.

Ld Advocate for the accused Nur Islam finally submitted that no bail petition has been filed by this accused before the Hon'ble Court. But as all other accused persons who are in similar footing as that of this accused, are already on bail, this accused who is languishing in custody should be granted bail. Ld advocate further submitted that the accused shall not abscond and shall appear on regular basis. Ld Advocate accordingly prayed for allowing bail to the accused on any condition.

I have heard Ld P.P in charge who has raised severe objection on the ground that the allegations are very serious and this accused was an absconder and yet if he is granted bail, there is every possibility that he will again abscond and the trial will be vitiated.

I have patiently heard both sides and also considered the merits of this case.

At the very outset, I cannot deny, but fall in line with the observations made by the Hon'ble High Court in the bail orders discussed above, that the allegations are serious in nature. But here, I find that on three occasions, the Hon'ble High Court has been pleased to grant bail to the co-accused persons who are on similar footing, considering the period of their incarceration and considering the fact that there is no immediate possibility of conclusion of the trial owing to the fact that the trial has been stayed at present.

I am of the view that the same principle should be adopted in respect of this accused also, irrespective of the fact that the allegations are serious in nature.

Hence, I am inclined to allow the prayer for bail in respect of the accused Nur Islam.

Accordingly, bail petition stands allowed.

The accused Nur Islam may find bail of Rs, 10,000/- with one surety, who must be local surety, subject to the satisfaction of Ld. CJM, Uttar Dinajpur at Raiganj, subject to the conditions:-

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1. That the accused shall not try to influence the prosecution witnesses in any manner,

2. That the accused shall appear before this court on each and every date without fail.

3. That the accused shall report to the IO/ OC Kaliyaganj PS on every 4th Saturday at 05.00 pm.

4. That the accused shall not change his residential address without informing this court and the IO /OC Kaliyaganj PS.

5. That the accused shall not leave the jurisdiction of this court under any circumstances

6. That the accused shall provide his mobile phone number to the IO/OC Kaliyaganj PS.

Let a copy of this order be sent to the Ld CJM, Uttar Dinajpur at Raiganj for information.

To date.

Dictated by me.

Judge

Addl. Dist. & Sess. Judge,
FTC-I, Raiganj, Uttar Dinajpur.

Memo no.

Date.

Let a copy of this order be sent to :

The Ld CJM, Uttar Dinajpur at Raiganj for information and taking necessary action.

Addl. Dist. & Sess. Judge,
FTC-I, Raiganj, Uttar Dinajpur.

