

Sessions Case No - 203 of 2023
CNR No.WBUD01-002727-2023
J.O Code No. WB00700

Order no.41

Dated: 31.01.2026

The case is posted for examination of CS witnesses.

Ld. PP in-charge is present and has filed hazira on behalf of the State.

Accused **Sadhan Baishya** is produced from J/C through V. C. mode.

The three witnesses namely Shyamali Bala Roy, Subhash Chandra Das and Brindaban Shil turn up today. They are examined, cross-examined and discharged as PW-22 and PW-24. However, in course of examination of Subhash Chandra Das, the said witness is declared hostile on the prayer of prosecution and leave is granted to the prosecution to cross-examine the witness. The said witness is cross-examined and discharged as PW-23.

During examination of PW-23, the signature on a seizure list dated 18.05.2023 is marked as Exbt.P 11/2.

At this stage, a bail petition in respect of Sadhan Baishya has been filed.

The matter is taken up today for the hearing of the bail petition filed on behalf of the accused.

The Ld. Advocate appearing for the accused moves the prayer for bail contending that the accused has been falsely implicated in the instant case. It is submitted that the allegations leveled against the accused are a product of fabrication and lack substantive corroboration. It is further contended that an application for bail was preferred before the Hon'ble High Court which was registered as CRM (DB) 3233 of 2024 and Hon'ble High Court rejected the said bail application on 06.11.2024 wherein the prosecution made submission that Sushil Roy, Mukul Baishya and Shyamali Bala Roy were not examined till then. It is further contended that all those witnesses have been examined and no incriminating materials revealed from their evidence. The defense further highlights the duration of the custody of accused and asserts that the accused is willing to abide by any stringent terms and conditions imposed by this Court to ensure his presence during the trial.

On the other hand, the Ld. PP vehemently opposes the bail application. The Prosecution argues that the offenses alleged are of a serious nature and that the release of the accused at this juncture might jeopardize the remaining trial process or lead to the tampering of evidence.

The Court has carefully perused the materials available in the record and scrutinized the evidence recorded so far. Upon a detailed assessment, the following points are noted:-

It is observed that twenty-four (24) prosecution witnesses have already been examined and some witnesses remain to be examined.

Upon evaluating the depositions of the witnesses examined till date and considering the specific facts and circumstances of the case, it appears that the evidentiary link connecting the accused to the alleged crime does not warrant further incarceration. Considering the fact that the accused has already undergone a prolonged period of detention, no fruitful purpose would be served by his continued custody. Adhering to the principle that 'bail is the rule and jail is the exception,' and finding no compelling grounds to justify further detention, this Court deems it fit to exercise its discretion in favor of the accused. Accordingly, the prayer for bail is allowed.

Accordingly, the accused person namely, **Sadhan Baishya** may find bail of **Rs.5000/- with two sureties of Rs.2,500/- each** subject to satisfaction of the Ld CJM, Uttar Dinajpur at Raiganj on condition to appear before this Court each and every date fixed positively id W/A will be issued.

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

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As per prayer of prosecution the following schedule is prepared:-

- Fix **16.03.2026** for evidence of CSW-14, 15 and 37;
- **17.03.2026** for evidence of CSW-27,29 and 30;
 - **18.03.2026** for evidence of CSW-31, 32 and 33;
 - **19.03.2026** for evidence of CSW-34 and 35;
 - **20.03.2026** for evidence of CSW-36 and 18.

Summon be issued accordingly.

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

If on bail, to date for appearance.

Typed and corrected by me.

Sessions Judge,
Uttar Dinajpur

Sessions Judge,
Uttar Dinajpur