

**Sessions Case No. 149 of 2022**  
**CNR WBUD01-00-3348-2022**  
**GR 2237 of 2021**

State  
Versus

*Sahajan Ali (A1), Noor Md. Dipa (A2), Sahanara Bibi (A3) and Husnara Bibi (A4)*

**Order no. 46**  
**13.02.2026**

1. Today is fixed for production + appearance + evidence of CSW nos. 10 & 11.
2. Out of four accused persons, accused A1, who is in custody, is produced and is also being represented by hi Learned Lawyer.
3. Remaining accused A2, A3 & A4 are on bail and are present with their Learned Lawyer.
4. Learned PP-in-charge is present.
5. No witness.
6. Learned Lawyer for the accused A1 files an application for bail on behalf of his client.
7. Copy served.
8. Objection noted.
9. The prayer for bail is taken up for consideration.
10. Heard both sides.
11. Perused the material on record.

**RIVAL SUBMISSIONS**

12. Learned Lawyer for accused A1 has prayed for bail on the following grounds –
  - a) His client is in custody 2021.
  - b) There is an inordinate delay in trial.
  - c) His client is the only bread wining member of his family.
13. Per contra, Learned PP-in-charge has raised a sibilant opposition and has prayed for rejection of bail on the following grounds –
  - 1) The delay cannot be solely attributable to the prosecution.
  - 2) Charge of this case could not be framed earlier than 06.02.2023 due to absence of the accused who were on bail.
  - 3) The offence complained of is serious in nature.

**REASONING & RESULT**

- 1) *"To strike the balance between the needs of law enforcement on the one hand and the protection of the citizen from oppression and injustice at the hands of the law enforcement machinery on the other is a perennial problem of statecraft"- observed Hon'ble Mr. Justice V.R. Krishna Iyer quoting Lewis Mayers in his celebrated judgment in the case of Nandini Sathpathy Versus P.L. Dani<sup>1</sup>*
14. This Court is once again called upon to tread the delicate path where the plea for personal liberty raised by the accused stands in stark opposition to the solemn duty of the State to prosecute what is alleged to be a

---

<sup>1</sup> AIR 1978 SC 1025

heinous crime culminating in the brutal extinction of a human life. The right to liberty is sacred, yet it is not absolute; it must yield where the demands of justice so require.

15. The record reveals that a similar prayer for bail was considered and rejected by this Court on 08.01.2026.
16. It is no doubt settled that successive applications for bail are maintainable in law; however, such renewal must rest upon fresh grounds, new circumstances, or substantial change in the factual matrix.
17. A mere reiteration of earlier submissions cannot invite a different view.
18. The present application is renewed solely on the ground of continued detention.
19. It is trite that prolonged incarceration, by itself, does not constitute a compelling ground for bail in cases of grave magnitude, particularly where the allegation concerns a barbarous act resulting in the death of a person.
20. The progress of the trial further dispels any apprehension of undue delay. Ten witnesses have already been examined out of seventeen cited in the charge-sheet.
21. The Learned Public Prosecutor-in-Charge submits that the prosecution evidence stands at the threshold of completion.
22. Having regard to the nature and gravity of the accusation, the stage of the trial, and the absence of any new circumstance warranting reconsideration, this Court finds no justifiable ground to enlarge the accused on bail.
23. The prayer for bail, therefore, stands rejected.
24. The prosecution is directed to secure the attendance of the witnesses on the next date without fail, so that the trial may proceed to its logical culmination without impediment.
25. Let the matter be listed on **09.03.2026** for appearance, production, and recording of evidence of Charge-Sheet Witness Nos. 10 and 11.

D/C by me

ADJ, FTC-II, In-Charge, Raiganj  
Uttar Dinajpur

ADJ, FTC-II, In-Charge, Raiganj  
Uttar Dinajpur