

Sessions - 204 of 2023

CNR NO : WBUD05 001484 2023

Present : Shri Amar Kishore Mahato (JO Code – WB 00922)
Additional Sessions Judge,
2nd Court, Islampur, U/D)
In-Charge.

Order No. 12 ; dated: 13.03.2024

Regular PO is transferred.

Accused persons namely 1. Tousif Reza, @ Tausif Reza @ Raj Babu @ Tousif. 2. Gulam Mohammad @ Mahammad are produced from JC and remanded to JC.

Accused persons namely, 3. Saklen Mustak @ Johoni @ Jhony 4. Saha Alam 5. Nur Alam 6. Sahid 7. Sardar Ahmad and 8. Sahadat Reza on court bail are present by filing hazira.

An intimation is received from The Superintendent, Siliguri special correctional Home, Dist- Darjeeling to the effect that accused **Md. Najish Ahsan** was undergoing medical treatment at inside hospital of Siliguri Special Correctional Home, as per advice of MO of that home as indoor patient.

Accordingly the accused person namely **Md. Najish Ahsan** is not produced from the judicial custody. As all the accused persons are not present the hearing on the point of framing charge cannot be heard.

A bail petition is file on behalf of accused Md. Najish Ahsan.

Copy of the bail petition has been served upon the Ld. Addl P.P.

Ld. Addl P.P. is present.

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

Heard both sides.

Ld. Addl. P.P. raises objection and submits that the allegation against the accused persons is serious in nature and the trial of this case cannot be commenced due to non co-operation on the part of the accused persons. It is submitted that the accused Md. Najish Ahsan is not produced before this Court and thereby further proceeding of this case is yet to be commenced.

The accused person should not be permitted to take advantage of such dilatory tactic. It is further submitted that the bail petition of the accused person has been rejected by Honble High Court twice.

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On the contrary, Ld Advocate for the accused person submits that the accused person has been languishing in custody for long and trial has not yet been commenced and hence, prayer for bail of the accused person should be allowed.

Considering the submission of both the parties and also considering the gravity of the offence and also considering that the trial has not yet been commenced as the accused was not produced by the controller of Sub-Correctional Home, Siliguri. Considering all these aspects, I do not find any reason to grant bail to the accused person and hence, the prayer for bail of the accused is rejected.

To **22.03.2024** for production and appearance of the accused persons.

Dictated and Corrected by

Addl. Sessions Judge

Addl. Sessions Judge
2nd Court, Islampur , U/Dinajpur
In- Charge.