

In the court of :

Sri P.P. Bairagi, Addl. Sessions Judge No.2
Kamrup(M), Guwahati

Sessions Case No. 31/2022**09.05.2022**

Accused Md. Majial Sheikh is produced before the Court from judicial custody.

Day is fixed for evidence. But no witness is present.

As accused person is in judicial custody, therefore learned counsel for prosecution is directed to produce witnesses.

By filing petition No. 1063/22, petitioner Taznur Rahman filed bail petition for accused Md. Majial Sheikh praying that he may be allowed to go on bail.

One affidavit is also filed along with the bail petition stating inter alia that earlier bail petitions were moved before this Court which were rejected and thereafter another bail petition was filed before the Hon'ble High Court on 06.05.22 and same was also rejected.

The learned counsel appearing for the accused person has submitted that accused person has been languishing in judicial custody for near about 6(six) months and he is a local person. Therefore, he may be allowed to go on bail.

On the other hand, learned Addl. PP has raised objection to the bail petition.

The learned counsel has also submitted that accused person cannot be detained for indefinite period and in support of his contention he has referred two Nos. of judgment: (i) Crl. Appeal No. 98/2021 in the case Union of India v. K.A. Najeeb and (ii) Crl. Appeal No. 632/2022 in case of Jagjeet Singh & Ors. V. Ashish Mishra @ Monu & Anr.

I have considered the submission made by the learned counsel for both sides and perused the record.

Record reveals that charge was framed against the accused person on 03.03.2022 and three witnesses were present on the next date i.e 17.03.2022 that day but cross-examination was reserved at the instance of the defence and all these three witnesses were cross-examined on 31.3.2022 and discharged.

Next date was fixed on 11.04.22 and on that day also one of the victims was examined and discharged. However, no witness is present today. Record also reveals that one of the victims is yet to be examined and this Court is of the view that allowing the accused to go on bail prior to the examination of the said victim may not be proper for the safety and security of the victim. There may be a scope for influencing such kind of vulnerable witness in different ways.

I have considered the judgment referred by learned counsel for the petition. However I am of the considered view that there is every possibility of disposing of this case and

examination of the victim within a short span of time. So there is no question for detaining the accused for indefinite period.

Having considered all, prayer for bail is rejected at this stage.

Remand the accused to judicial custody.

Fix 23.05.2022 for production and evidence.

Additional Sessions Judge No. 2
Kamrup (M), Guwahati