

15.10.2020

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CRM 4047 of 2020

(Via Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jadavpur P.S. Case No.353 of 2015 dated 01.09.2015 under Sections 366A/34, 370(3)/34,372/34,373/34 of the Indian Penal Code, Sections 3/4/5/7 of the Immoral Traffic (Prevention) Act and Section 4/17 of the POCSO Act.

And

In the matter of: Priyanka Das @ Dev

....Petitioner.

Mr. D. Prahladka

Mr. S. Hossain

...for the Petitioner.

Mr. S.G. Mukherjee, Ld. PP

Mr. R. Roy Chowdhury

Mr. M. Gupta

...for the State.

Petitioner is in custody for more than five years. It is submitted that she has been falsely implicated in the instant case.

Learned lawyer for the State opposes the prayer for bail and submits that immoral activities were carried on at the residence of the petitioner. There is slow progress in the trial due to the pandemic condition.

We have considered the materials on record. Although the allegations are grave, vulnerable witnesses have already been examined and in the light of the protracted period of detention suffered by the petitioner and in view of the slow progress in the trial due to the pandemic conditions, we are inclined to grant bail to the petitioner.

Accordingly we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) with

two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Sessions Judge, 2nd Court, Alipore, South 24 Parganas subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

CRM 4047 of 2020 is disposed of.

The parties shall act in terms of the copy of the order downloaded from the official website of this Court.

(Subhasis Dasgupta, J.)

(Joymalya Bagchi, J.)