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CRM 9402 of 2020

(Via Video Conference)

In Re: - An application for anticipatory bail under Section 439 of the Code of Criminal Procedure in connection with Harwood Point Coastal P. S. Case No. 270/2017 dated 09.12.2017 under Section 363 of the IPC and Charge Sheet submitted under Sections 363/366/376/370/370A(2)/120B of the Indian Penal Code.

And

In the matter of: Abdul Gaffar Molla @ Gaffar Mallik & Anr.
....Petitioners.

Mr. Anjan Bhattacharya
Mr. Partha Sarathi Mondal
...for the Petitioners.

Ms. Faria Hossain
Ms. B. Basu
...for the State.

It is submitted on behalf of the petitioners that they are in custody for 880 days and they have been falsely implicated in the instant case.

Learned lawyer for the State opposes the prayer for bail and submits that prayer for bail of Petitioner No.1 was rejected earlier and she had been identified in the T.I. parade.

Having considered the materials on record and in view of the prima facie involvement of the petitioner No.1, in trafficking the victim girl to a different State and since she has been identified by the victim herself, we are not inclined to grant bail to the petitioner. Hence, the prayer for bail in connection with the concerned petitioner is rejected.

However, keeping in mind the complicity of petitioner No.2 in the alleged crime and in view of the period of detention suffered by her, we are inclined to grant bail to petitioner No.2.

Accordingly we direct that the petitioner No.2 shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) with two sureties of like amount, one of whom must be local, to the satisfaction of the learned ACJM, Kakdwip, 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 No.2 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.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)