

16.08.2022
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allowed

CRM (DB) 2751 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Namkhana Police Station Case No. 82 of 2015 dated 07.06.2015 under Sections 366A/370/370A/120B of the Indian Penal Code read with Sections 16/17 of the Protection of Children from Sexual Offences Act and read with Sections 3/4/5/6/7/9 of the Immoral Traffic Prevention Act.

And

In Re Sultana Bibi & Anr. petitioners

Mr. Pawan Kumar Gupta
Mr. Kaushik Chatterjee
Ms. Safia Nesar
Mr. Santanu Sett

.....for the petitioners

Mr. Madhusudan Sur, learned APP
Mr. Dipankar Paramanick

..... for the State

Petitioners renew their prayer for bail.

Learned Counsel appearing for the petitioners submits petitioners are in custody for more than six years. It is also submitted that vulnerable witnesses have already been examined and in the light of the changed circumstances co-accuseds have been enlarged on bail.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered material on record. Vulnerable witnesses have been examined. Petitioners are in custody for more than six years. Under similar circumstances co-accuseds have been enlarged on bail. Hence, we are inclined to extend the same privilege to the petitioners also.

Accordingly, we direct that the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Alipore, subject to the condition that while on bail petitioners shall remain within the jurisdiction of Namkhana Police Station except for the purposes of attending court proceedings and they 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 petitioners fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)