

28.11.2022
Sl. No.15
akd
[ALLOWED]

C. R. M. (DB) 3459 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 22.09.2022 in connection with Barikul Police Station Case No.50 of 2019 dated 07.11.2019 under Sections 342/366/367/370(A)/370(2)/376(2)(n)/506/34 of the Indian Penal Code and under Sections 4/5a/5b/6 of the Immoral Traffic (Prevention) Act, 1956.

And

In Re: ***Md. Shami @ Mohammad Shami***

... .. Petitioner

Mr. Bikash Ranjan Bhattacharya .. Sr. Advocate
Mr. Upendra Roy
Mr. Faiyaz Ahmed Khan
Md. Mustafa
Ms. Kanchan Roy

... .. for the petitioner

Mr. Saswata Gopal Mukherjee .. Id. Public Prosecutor
Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor
Mrs. Sonali Das

... .. for the State

Petitioner renews his prayer for bail. It is submitted on his behalf that he is in custody for almost three years. It is further submitted there is slow progress in the trial of the case.

Learned Public Prosecutor opposes the prayer for bail and submits date has been fixed for examination of one of the investigating officers.

We have considered the materials on record. Vulnerable witness has already been examined. Police witnesses are proposed to be examined in future. In view of the aforesaid state of affairs, we are of the opinion there is little possibility of the petitioner winning over the said witnesses. Balancing the nature of accusation with the protracted period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary and he may be enlarged on bail however, subject to strict conditions.

Therefore, the accused/petitioner, namely **Md. Shami @ Mohammad Shami**, 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 Chief Judicial Magistrate, Khatra, Bankura subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner, while on bail, shall not leave the jurisdiction of the district of Bankura until further orders except for the purpose of investigation and/or for attending court proceedings and shall provide the address where he shall presently reside to the Investigating Agency as well as the court below and shall report to the Officer-in-charge of the police station within whose jurisdiction he shall presently reside once in a week until further orders.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)