

23.12.2022
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allowed

CRM(DB) No. 4598 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Katwa Police Station Case No. 592 of 2019 dated 12.12.2019 under Sections 370(4)/363/34 of the Indian Penal Code read with Section 28 of the West Bengal Clinical Establishment Act and Section 81 of the Juvenile Justice Act.

And

In Re : Dr. Molla Kasem Ali @ Kasem Ali @ Molla Kasem Ali petitioner

Mr. Debasish Roy
Mr. Syed Jamal Hasan
Mr. Saibal Kumar Dasgupta
.....for the petitioner

Mr. Madhusudan Sur, learned APP
Mr. Dipankar Paramanick
..... for the State

Learned Counsel appearing for the petitioner submits he is in custody for more than one month. It is also submitted that he is not the principal offender. Co-accused, Sailen Roy who was the mediator has been granted bail. Investigation is complete. He prays for bail.

Learned Counsel appearing for the State opposes the prayer for bail and submits the minor child was born in the nursing home owned by the petitioner. He prepared forged documents to show paternity of the child in favour of the couple who purchased the child and enable trafficking of the child.

We have considered the materials on record. Petitioner was the owner of the nursing home where the baby was born. One Sailen Roy who was the mediator is on bail. Documents relating to the transaction have already been seized and investigation is

complete. Under such circumstances, 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/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Katwa, Purba Bardhaman, subject to condition that 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 fails 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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)