

13.03.2023.
112.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 838 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliganj P. S. Case No.440 of 2020 dated 18.09.2020 under Sections 447/326A/307/34 of the Indian Penal Code.

In the matter of : Saheb Molla.

.... Petitioner.

Mr. Habibur Rahaman,
Ms. Karabi Roy,
Mr. A. Singh.

...for the Petitioner.

Mr. Binay Panda,
Ms. Puspita Saha.

...for the State.

Petitioner is in custody for more than 900 days. Victim has already been examined. He prays for bail.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. Though allegations are grave, vulnerable victim has already been examined.

Balancing the nature of accusation with the period of detention suffered by the petitioner and as vulnerable witness has been examined, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Saheb Molla 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, Krishnagar, Nadia subject to condition that he

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.

In the event the petitioner fails to appear before the Trial Court without any 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, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)