

22.03.2023.
32.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 1039 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kultali P. S. Case No.665 of 2018 dated 06.10.2018 under Sections 365/376/120B of the Indian Penal Code.

In the matter of : Hamid Ali Sk. @ Hamid Sk @ Hamid Molla.
.... Petitioner.

Mr. Biplab Mitra.

...for the Petitioner.

Mr. Joydeep Roy, Id. Jr. Govt. Adv.,
Mr. Amanul Islam.

...for the State.

Petitioner is in custody for more than four years. He submits the victim has not supported the prosecution case.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. Deposition of the victim (PW1) does not support the prosecution case.

In view of the aforesaid state of affairs further detention of the petitioner is unwarranted and he may be enlarged on bail.

Accordingly, the petitioner viz., Hamid Ali Sk. @ Hamid Sk @ Hamid 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, Baruipur, 24-Paraganas, South 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.)