

15.05.2023
28
sdas
allowed

CRM(DB) No. 1772 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Mathurapur Police Station Case No. 74 of 2017 dated 12.04.2017 under Sections 363/365/370/376/419 of the Indian Penal Code.

And

In Re : Radhya @ Radhya Gupta petitioner

Mr. Dhiman Biswas

....for the petitioner

Mr. Saibal Bapuli, learned APP

Mr. Bibaswan Bhattacharya

.... for the State

Learned Counsel for the petitioner submits he is in custody for five years and six months. It is also submitted there is slow progress in trial. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits petitioner is involved in inter-state trafficking of women for sexual exploitation. Victims have implicated the petitioner.

In reply, it is submitted victims did not disclose the name of the petitioner in their earlier statements before the Magistrate.

We have considered the materials on record. Vulnerable witnesses have already been examined. Remaining witnesses are public officials and they cannot be won over. There is little possibility of trial concluding in the near future. Petitioner is in detention for more than five years. Though the allegations are very grave in view of protracted period of detention suffered by the petitioner we are inclined to grant bail to him.

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, Diamond Harbour, on further condition that while on bail petitioner shall remain within the jurisdiction of District South 24 Parganas except for the purposes of investigation and /or attending court proceeding and shall meet the officer-in-charge of Mathurapur Police Station once in a week until further orders. 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.)