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CRM(DB) No. 2373 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Uluberia Police Station Case No. 328 of 2018 dated 09.05.2018 under Sections 363/365/370/370(1)/372/376(2) of the Indian Penal Code read with Section 6 of the POCSO Act and Sections 4 and 5 of the Immoral Traffic Act.

In Re : Sariful Gazi

And
..... petitioner

Ms. Poulomi Banerjee
Ms. Priyanka Dutta
....for the petitioner

Ms. Faria Hossain
Mr. Anand Keshari
.... for the State

Report filed in Court is placed on record.

Inspite of service nobody appears for the victim.

We have considered the materials on record. Victim has not supported the prosecution case. Petitioner is in custody for 4½ years. 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 Sessions Judge, 1st Court, Uluberia, Howrah, subject to conditions 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.)