

18.07.2023
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allowed

CRM(DB) No. 2848 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dhaniakhali Police Station Case No. 16 of 2020 dated 20.01.2020 under Sections 326/307/506/379 of the Indian Penal Code read with Section 6 of Indecent Representation (Prohibition) Act.

And

In Re : Asgar Mallick petitioner

Mr. Arunava Ganguly

....for the petitioner

Mr. Binay Panda

Ms. Puspita Saha

.... for the State

Learned Counsel for the petitioner submits he is in custody for more than three years. It is also submitted there is delay in trial. He prays for bail.

Learned Counsel for the State opposes the bail prayer.

We have considered the materials on record. Vulnerable witness has already been examined. Official witnesses are left to be examined. Keeping in mind the aforesaid fact and the 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 Sessions Judge, 1st Fast Track Court, Hooghly, 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.)