

25.08.2023
Sl. No.28
akd
[ALLOWED]

C. R. M. (DB) 3340 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 21.08.2023 in connection with Dankuni Police Station Case No.170 of 2018 dated 30.05.2018 under Sections 365/367/370/371/376D of the Indian Penal Code and Sections 4/5/6/7/9 of the Immoral Traffic (Prevention) Act, 1956.

And

In Re: ***Uma Chakraborty & Ors.***

... .. Petitioners

Mr. Sudip Ghosh Chowdhury
Ms. Shreyeta Mitra

... .. for the petitioners

Mr. Ranabir Roy Chowdhury
Mr. Sandip Chakraborty

... .. for the State

1. It is submitted on behalf of the petitioners that they are in custody for more than five years. It is further submitted most of the vulnerable witnesses have been examined. Co-accused viz. Anarul Haque and Sk. Jamsed Ali @ Jashed have been enlarged on bail. Accordingly, they pray for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioner nos.1 & 2 are the parents-in-law of the victim-housewife. They sold her for prostitution through petitioner no.3.
3. We have considered the materials on record. Allegations are grave. Co-accused viz. Anarul Haque and Sk. Jamsed Ali @ Jashed had raped the victim. They have been enlarged on bail. Petitioners are in custody for more than five years. Most of the vulnerable witnesses have been examined. Under such circumstances, we are of the opinion further detention of the petitioners is not necessary.
4. Therefore, the petitioners, namely ***(1) Uma Chakraborty, (2) Pradip Chakraborty & (3) Marjina Bibi @ Kajal***, be released on bail upon

furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Serampore, Hooghly subject to condition that the said petitioners 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.

5. In the event they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)