

04.09.2023
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allowed

CRM(DB) No. 3448 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 6 of the POCSO Act and Sections 4/5 of the Immoral Traffic Act.

And

In Re : Waseem Khan @ Waseem petitioner

Ms. Poulami Bose

....for the petitioner

Mr. Saibal Bapuli, learned APP

Mr. Bibaswan Bhattacharya

..... for the State

1. Heard the learned Counsels for the parties.

2. We have considered the materials on record. Petitioner is in custody for four and half years. Victim has not supported the prosecution case. Co-accused is on bail. Under such circumstances, we are inclined to extend the same privilege to the petitioner also.

3. 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 condition 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.

4. 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.

5. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)