

09.01.2023
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allowed

CRM(DB) No. 3336 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Mandarmoni Coastal Police Station Case No. 47 of 2019 dated 02.11.2019 under Sections 366A/368/370/372/373/120B/34 of the Indian Penal Code read with Sections 3/4/5/6/7/9 of the Immoral Traffic (Prevention) Act and under Sections 4/17/21 of the POCSO Act.

And

In Re : Biswarup Giri @ Bisu petitioner

Mr. Amitava Karmakar
Mr. Arup Kumar Bhowmick
.....for the petitioner

Mr. Ranabir Roy Chowdhury
Mr. Sandip Chakraborty
..... for the State

Learned Counsel appearing for the petitioner submits he is in custody for two years and ten months. It is also submitted that vulnerable witnesses have been examined. He prays for bail.

Learned Counsel appearing for the State opposes the prayer for bail and submits petitioner is involved in trafficking women for sexual exploitation. His prayer for bail was rejected earlier.

We have considered the materials on record. Allegations against the petitioner are grave. However, he has suffered detention for two years and ten months. Vulnerable witnesses have already been examined. Balancing the nature of accusation with the protracted period of detention suffered by the petitioner and as vulnerable witnesses have already been examined, we are

inclined to grant bail to the petitioner, however, subject to strict conditions.

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-cum-Special Court, 1st court, Contai, on further conditions that while on bail the petitioner shall remain within the jurisdiction of Ramnagar Police Station until further orders except for the purpose of attending court proceeding and shall report to the Officer-in-Charge of the Ramnagar 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.

Investigating officer is present in Court. His presence is noted and dispensed with.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)