

26.09.2023
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allowed

CRM(DB) No. 3738 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 4/5 of the Immoral Traffic Act.

And

In Re : Ruchi Rastogi & Anr. petitioners

Ms. Paulomi Banerjee

....for the petitioners

Ms. Faria Hossain

Mr. Anand Keshari

.... for the State

1. Learned Counsel for the petitioners submits they are in custody for more than four years. It is also submitted that victim has not implicated them in Court. They pray for bail.

2.Learned Counsel for the State opposes the prayer for bail.

3. We have considered the materials on record. We have also examined the evidence of the victim. Keeping in mind the extent of complicity of the petitioners in the crime and the period of detention suffered by them, we are inclined to grant bail to the petitioners.

4. Accordingly, we direct that the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each 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 petitioners

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.

5. In the event the petitioners fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)