

18.10.2023
Sl. No.28
akd
[ALLOWED]

C. R. M. (DB) 3918 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 03.10.2023 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 and Section 6 of the POCSO Act read with Sections 4/5 of the Immoral Traffic (Prevention) Act, 1956.

And

In Re: **Devendra @ Rakesh Yadav**

... .. Petitioner

Mr. Susnigdho Bhattacharyya

... .. for the petitioner

Ms. Zareen N. Khan

Ms. Mayukhi Mitra

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about five years and two months. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. In spite of notice, nobody appears for the victim.
4. We have considered the materials on record. Evidence of the victim is exonerative in nature. In view of the aforesaid development and the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.
5. Therefore, the accused/petitioner, namely **Devendra @ Rakesh Yadav**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two registered sureties of like amount each, to the satisfaction of the learned Additional Chief Judicial Magistrate, Uluberia, Howrah subject to condition that the said petitioner 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.

6. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
7. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)