

17.01.2024

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Allowed

C.R.M. (DB) No. 140 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chinsurah Police Station Case No. 307 of 2023 dated 30.06.2023 under Sections 363/364/365/370(4)/120B of the Indian Penal Code and adding Sections 406/419/465/467/471 of the Indian Penal Code and charge-sheet was filed under Sections 363/365/370(4)/120B/406/419/465/467/468/471 of the Indian Penal Code.

And

In Re : Ramen Debnath petitioner

Ms. Jeenia Rudra

.....for the petitioner

Mrs. Zareen Khan

Ms. Rita Datta

.....for the State

1. Learned Counsel for the petitioner submits he is childless. He had taken the infant child for adoption. He has been falsely implicated. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner had illegally procured an infant child. Documents relating to other minors were found in his possession. Bail prayer of the co-accused had been rejected.

3. We have considered the materials on record. Allegations involve trafficking of infant children which are very grave but the petitioner is childless and had taken the child for adoption. He does not stand on the same footing with co-accused who are involved in trafficking of children and have

been denied bail. Under such circumstances, we are inclined to grant bail to the petitioner.

4. 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 Chief Judicial Magistrate, Sadar Hooghly, subject to condition that 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.

5. In the event petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his 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.)