

18.01.2024.
38.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 154 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Howrah Women P.S. Case No.26 of 2017 dated 23.05.2017 under Sections 363/363A/370A of the Indian Penal Code and Sections 8/12 of the POCSO Act and Sections 76/84 of the Juvenile Justice Act.

In the matter of : **Nirbhay Kumar Gupta @ Nirbhai Kumar.**
.... Petitioner.

Mr. Mrityunjoy Chatterjee,
Sk. Toslim Ali.

...for the Petitioner.

Mr. Neguive Ahmed, Id. A.P.P.,
Ms. Mayukhi Mitra.

...for the State.

1. Petitioner is in custody for more than four years. He submits vulnerable witnesses have been examined. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the bail prayer.
3. We have considered the materials on record. Allegations are serious and involve trafficking of women. But petitioner is in custody for more than four years and all the vulnerable witnesses have been examined.
4. Under such circumstances, we are inclined to grant bail to the petitioner subject to conditions.
5. Accordingly, the petitioner viz., **Nirbhay Kumar Gupta @ Nirbhai Kumar** 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, Howrah subject to condition that he 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 and on further condition that the petitioner while on bail shall remain within the District of Howrah and provide the address to the investigating agency and Court below and report to the Officer-in-charge of the concerned Police Station within whose jurisdiction he shall presently reside once in a week until further order.

6. In the event the 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.

7. This application for bail is, thus, disposed of.

8. Trial court is requested to conclude the trial at the earliest.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)