

06.02.2024
tkm/ct 28
sl no. 37

C.R.M. (DB) 372 of 2024

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Naihati P.S case no. 308 of 2022 dated 30.7.2022 under sections 366A/370/372/373/120B IPC and sections 3/4/5/6/7/9 of the Immoral Traffic (Prevention) Act with sections 17/4 of the POCSO Act

and

Allowed

In Re : Uma Roy & Anr.

... petitioners

Md. Sabir Ahmed

Mr. T Ahmed

Mr. D Banerjee

..... for the petitioners

Mr. Swapan Banerjee

Mr. Aniket Mitra

..... for the State

1. Petitioners are in custody for 556 days. He submits victims have not supported the prosecution case. He prays for bail.

2. Learned lawyer for the State produces the case diary.

3. We have considered the materials on record. Petitioner nos. 2 and 3 are the victims. They did not support the prosecution case.

4. In view of the aforesaid development we are inclined to grant bail to the petitioners.

5. Accordingly, the petitioners 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 Judge, Special Court under POCSO Act, Barrackpore, North 24 Parganas on condition that the petitioners shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

6. In the event they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

7. The application being CRM (DB) 372 of 2024 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)