

21.02.2024.
39.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 534 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 30.07.2022 under Sections 366A/370/372/373/120B of the Indian Penal Code and under Sections 3/4/5/6/7/9 of the Immoral Traffic (Prevention) Act and Sections 17/4 of the POCSO Act.

In the matter of : **Mukul Roy & Anr.**

.... Petitioners.

Md. Sabir Ahmed,
Ms. Suman Biswas.

...for the Petitioners.

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

...for the State.

1. Liberty is given to the learned Advocate-on-record of the petitioner to correct the cause title of the petition.
2. Heard the learned Advocates for the parties.
3. We have considered the materials on record. Petitioners are in custody for 571 days. Vital witnesses have not supported the prosecution case. Under such circumstances, co-accused has been enlarged on bail. Petitioners are entitled to similar relief.
4. Accordingly, the petitioners viz., **Mukul Roy and Mrinal Mukherjee** 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 Judge, Special Court under the POCSO Act, Barrackpore, North 24-Paraganas subject to condition that they 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 the petitioners fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)