

24.04.2024
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allowed

CRM (DB) No. 1291 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Maipith Coastal Police Station Case No. 95 of 2020 dated 13.10.2020 under Sections 363/365/376(3) of the Indian Penal Code and Section 4 of the POCSO Act.

And

In Re : Moniruddin Sekh @ Moniruddin Seikh petitioner

Mr. D. Guha
Mr. M. Chatterjee
Mr. S. D. Roy

....for the petitioner

Ms. Amita Gour
Mr. Nirupam Dhali

.... for the State

1. Heard the learned Counsels for the parties.
2. We have considered the materials on record. Vulnerable witnesses have been examined. Petitioner is in custody for more than three years. There is no possibility of trial concluding in the near future. Accordingly, we are inclined to grant bail to the petitioner subject to condition.
3. 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 Additional Sessions Judge, 1st Court, Baruipur, South 24 Parganas, on further condition that while on bail the petitioner shall not enter Raidighi Police Station and shall provide address where he shall presently reside to the

investigating officer and learned court below and he shall report to the Officer-in-Charge of the concerned police station once in a week until further orders. Petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

4. In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

5. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)