

12.09.2024.
83.
Ct.No.6.
as
(Allowed)

C.R.M. (DB) 2751 of 2024

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Nakashipara P.S. Case No.365 of 2009 dated 11.08.2009 under Sections 341/325/326/307/34 of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : **Aroj Sk @ Aroz Ali Sk @ Arozali Sk.
& Anr.**

.... Petitioners.

Ms. Sangeeta Chakraborty.

...for the Petitioners.

Mr. Debasish Roy, Id. P.P.,
Mr. Arijit Ganguly,
Mr. Koushik Kundu.

...for the State.

1. Petitioners are in custody for more than two years. They submit there is no possibility of trial concluding in the near future. Accordingly, they pray for bail.

2. Learned Advocate for the State opposes the bail prayer. He submits trial has substantially progressed.

3. We have considered the materials on record. Petitioners are in custody for more than two years. Examination of witnesses is not complete till date. However, vulnerable witnesses have been examined.

4. In view of the aforesaid facts, we are of the opinion continuation of detention would violate the fundamental right of the petitioner under Article 21 of the Constitution of India and he is entitled to bail on such score.

5. Accordingly, the petitioners viz., **Aroj Sk @ Aroz Ali Sk @ Arozali Sk. and Eliyas Adgeye @ Sk. @ Iliach Sk.** 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 Chief Judicial Magistrate, Nadia at Krishnanagar 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.
6. 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.
7. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)