

05.11.2024
Ct. No. 28
SL No. 79
SB

C.R.M. (DB) 3142 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure read with Section 483 of B.N.S.S., 2023 in connection with **Mongalkote** P.S. Case No. 172 of 2021 dated 08.8.2021 under Sections 376(2)(n) of the Indian Penal Code.

And

In the matter of: Maru Sk. @ Khepababa @ Sk. Safikul

Mr. Uday Sankar Chattopadhyay
Ms. Trisha Rakshit
Ms. Rajashree Tah
Ms. Aishwarya Datta ...for the Petitioner

Mr. Jaydeep Biswas
Mr. Atanu Ghoshfor the State

Mr. Anant Keshari
Ms. Soumili Choudhury
Ms. Pubali Debnath .. for the de facto complainant

1. Learned counsel for the petitioner submits petitioner is in custody for about more than three years. Vulnerable witnesses have been examined. He prays for bail.
2. Learned counsel for the State opposes the prayer for bail.
3. Learned counsel for the de facto complainant also opposes the bail prayer.
4. We have considered the materials on record. Vulnerable witnesses have been examined. Petitioner is in custody for about more than three years. There is no possibility of trial concluding in the near future.
5. Under such circumstances, we are inclined to enlarge the petitioner on bail.
6. Accordingly, we direct 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 Chief Judicial Magistrate, Katwa subject to condition that the petitioner shall appear before the trial court on each and every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

7. In the event petitioner fails to appear before the Trial Court without any justifiable cause, the Trial Court shall be at liberty to cancel his bail without any further reference to this Court.
8. The application for bail is, thus, allowed and disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)