

28.07.2023
tkm/ct 28
sl no. 37

C.R.M. (DB) 2998 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with English Bazar Women PS case no. 43 of 2023 dated 7.3.2023 under section 6 of the POCSO Act

And

Allowed

In Re : Hasnain Ansari @ Hasnain Momin petitioner

Md. Wasim Akram
Ms. Busra Khatoon

..... for the petitioner

Mr. Binay Panda
Ms. Puspita Saha

..... for the State

Ms. Reshmi Khatun

..... for the de facto complainant

Heard learned lawyer for the parties.

We have considered the materials on record. Petitioner is not the principal accused. Victim does not oppose the bail prayer. Keeping in mind the aforesaid fact and the period of detention suffered by the petitioner i.e. 34 days, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner 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 Judge, Special Court, Additional District Judge, 2nd Court, Malda on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application being CRM (DB) 2998 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)