

14.09.2023
Sl. No.32
akd
[ALLOWED]

C. R. M. (DB) 3577 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 08.09.2023 in connection with English Bazar Police Station Case No.968 of 2017 dated 04.11.2017 under Sections 363/365/366A/372/376/34 of the Indian Penal Code read with Section 6 of the POCSO Act.

And

In Re: **Akbar Momin**

... .. Petitioner

Md. Wasim Akram

... .. for the petitioner

Ms. Reshmi Khatun

... .. for the de-facto complainant

Ms. Zareen N. Khan
Mr. Asif Dewan

... .. for the State

1. It is submitted on behalf of the petitioner that victim has not supported the prosecution case. Accordingly, he prays for bail.
2. Learned Advocate for the de-facto complainant does not oppose the prayer for bail.
3. Learned Advocate for the State produces the case diary.
4. We have considered the materials on record. Victim has not supported the prosecution case. In view of the aforesaid development, we are of the opinion further detention of the accused/petitioner is not necessary.
5. Therefore, the accused/petitioner, namely **Akbar Momin**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), 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-cum-Additional District Judge, 2nd Court, Malda subject to condition that the said petitioner 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 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.
7. The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)