

20.09.2023.
40.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 3662 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Saktipur P.S. Case No.24 of 2023 dated 20.02.2023 under Sections 394/397/395/412 of the Indian Penal Code read with Section 6 of the POCSO Act.

In the matter of : **Hasibul Sk. & Anr.**

.... Petitioners.

Mr. Arnab Chatterjee,
Ms. Dhanasree Biswas,
Ms. Poulami Bose.

...for the Petitioners.

Mr. Madhusudan Sur, Id. A.P.P.,
Mr. Manoranjan Mahata.

...for the State.

1. Petitioner is in custody for 210 days. They were not identified during T. I. Parade. They pray for bail.
2. Learned Advocate for the State opposes the bail prayer. He submits stolen articles i.e. water pumps were recovered. One person sustained injury during dacoity.
3. We have considered the materials on record. Stolen articles have already been recovered. Petitioner has not been identified during T. I. Parade.
4. Under such circumstances, we are of the opinion further detention of the petitioner is not necessary and they may be granted bail subject to conditions.
5. Accordingly, the petitioners viz., **Hasibul Sk.** and **Habibur Sk. @ Habibul 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, Berhampore, Murshidabad 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 and on further condition that the petitioners while on bail shall remain within Saktipur Police Station except for court proceeding and report to the Officer-in-charge of Saktipur Police Station once in a week until further orders.

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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)