

18.10.2023
Sl. No.23
akd
[ALLOWED]

C. R. M. (DB) 3796 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 14.09.2023 in connection with Manikchak Police Station Case No.655 of 2023 dated 18.08.2023 under Sections 448/354/323/506/34 of the Indian Penal Code and Section 10 of the POCSO Act.

And

In Re: ***Hoseni Ansary @ Hoseni Ansari***

... .. Petitioner

Mr. Arup Kumar Bhowmick

... .. for the petitioner

Mr. Shiladitya Banerjee

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 58 days. It is further submitted petitioner is not the principal accused. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. We have considered the materials on record. Keeping in mind the extent of complicity of the petitioner in the alleged crime and the period of detention suffered by him, we are of the opinion further detention of the accused/petitioner is not necessary.
4. Therefore, the accused/petitioner, namely ***Hoseni Ansary @ Hoseni Ansari***, 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 Chief Judicial Magistrate, 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.

5. 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.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)