

30.04.2024
Sl. No.19
akd
[ALLOWED]

C. R. M. (DB) 816 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 27.02.2024 in connection with Asansol North Police Station Case No.410 of 2022 dated 18.09.2022 under Sections 376/506 of the Indian Penal Code and Sections 4/6 of the POCSO Act.

And

In Re: ***Md. Sameer Ansari @ Samir Ansari***

... .. Petitioner

Mr. Ayan Basu
Sk. Salim
Mr. Sumit Routh

... .. for the petitioner

Mr. Satadru Lahiri

... for the de-facto complainant/victim

Mr. Dipankar Mahata

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than one year and seven months. It is further submitted there was a romantic relationship between the petitioner and the victim. Victim has already been examined. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. Learned Advocate for the victim also opposes the prayer for bail.
4. We have considered the materials on record including the evidence of the victim (PW 2). It is contended there was free mixing between two young persons. Vulnerable witness has already been examined. There is no possibility of trial concluding in the near future.
5. Under such circumstances, we are of the opinion further detention of the accused/petitioner is not necessary and he may be enlarged on bail however, subject to strict conditions.
6. Therefore, the accused/petitioner, namely ***Md. Sameer Ansari @ Samir 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, Paschim Bardhaman 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 and on further condition that the petitioner, while on bail, shall not enter the jurisdiction of Asansol North Police Station except for the purpose of attending court proceedings and shall provide the address where he shall presently reside to the Investigating Agency as well as the court below and shall report to the Officer-in-charge of the police station concerned within whose jurisdiction he shall presently reside once in a week until further orders.

7. 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.
8. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)