

**31.07.2024**

Item No.1

Ct.No.34

b.das

**Allowed**

**C.R.M. (SB) 101 of 2024**

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure/ Section 483 of the BNSS, 2023 filed in connection with Dhantala Police Station Case No. 103 of 2022 dated 03.03.2022 under Sections 8/12 of the Protection of Children from Sexual Offences Act.

And

In Re : **Kousar Ali Sardar @ Abbas**

... Petitioner.

Ms. Minoti Gomes

... for the Petitioner.

Mr. Anwar Hossain

Ms. Baishakhi Chatterjee

... For the State.

Learned counsel for the petitioner submits that the petitioner is in custody for more than two years and evidence of the de facto complaint and the victim girl has been recorded.

The petitioner prays for bail.

State produces the Case Diary and opposes the prayer.

The petitioner is in custody for more than two years. The de facto complainant and the victim girl have been examined. Trial of the case is in progress.

Considering the period of detention of the petitioner, prayer for bail is allowed subject to stringent conditions.

Accordingly, the petitioner shall be released on bail upon furnishing 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 Additional Chief Judicial Magistrate, Ranaghat, Nadia subject to condition that the petitioner shall remain outside the jurisdiction of Dhantala P.S. and shall furnish his address where he shall presently reside to the investigating officer concerned as well as the learned Trial Court. He shall enter the jurisdiction of Dhantala P.S. only for the purpose of appearing 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.

In the event the petitioner fails to comply with any of the conditions without any justifiable cause, the Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail, being CRM (SB) 101 of 2024, is disposed of.

Case Diary be returned.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

**(Suvra Ghosh, J.)**