

HIGH COURT OF TRIPURA
AGARTALA
B.A. 49/2024

Smt. Debashree Molsom for and on behalf of Sri Rabi Nanda Molsom

-----Applicant(s)

Versus

The State of Tripura

-----Respondent(s)

For Applicant(s)	:	Mr. D. Datta, Advocate
For Respondent(s)	:	Mr. S. Ghosh, Addl. PP

HON'BLE MR. JUSTICE ARINDAM LODH
Order

26/09/2024

Heard Mr. D. Datta, learned counsel appearing for the applicant. Also heard Mr. S. Ghosh, learned Additional PP appearing for the respondent-State.

The present accused, Sri Rabi Nanda Molsom, had been arrested on 01.07.2024 in connection with Killa Police Station case no. 0011 of 2024, registered under Sections 376-AB of the IPC and Section 4 of the POCSO Act, 2012, on the basis of a complaint lodged by one Sri Shyamal Kumar Molsom, the father of the victim.

In the complaint, it is alleged that the accused had committed rape upon his 6 years old daughter.

Mr. Datta, learned counsel appearing for the applicant has submitted that the accused will be available during the course of trial and there is no chance of his absconsion or evading the trial.

Mr. Ghosh, learned Additional PP has submitted the case diary and opposed the bail prayer.

I have perused the case diary as produced by learned Additional PP.

From the case diary, it is found that during examination of the victim under Section 164(5) Cr.P.C., she has clearly stated that she was raped by the accused in the kitchen of the house. It is also evident that the Investigating Officer has submitted charge-sheet in the case and the same is pending before the learned Special Judge (POCSO), Gomati Judicial District, Udaipur, vide case no. Special (POCSO) 18 of 2024. The Investigating Officer has expressed his apprehension that the accused may abscond to Bangaluru as his elder brother has been working in a company therein.

There is no material before this court that after arrest of the accused, he has tried to interfere with the process of fair investigation. Truly, this is not the stage of punishment. The accused may be convicted after trial if he is found guilty of committing the offence, as alleged by the complainant. Furthermore, the accused is a permanent resident within the jurisdiction of Killa police station.

Considering that this is not the stage of punishment, I am inclined to release the accused on bail imposing some stringent conditions.

Accordingly, the accused, namely, **Rabi Nanda Molsom**, shall be released on bail on furnishing a bail bond of **Rs.50,000/-** with **one surety** of the like amount to the satisfaction of the learned Special Judge (POCSO), Gomati Judicial District, Udaipur, on the following conditions:

- (i) *The accused will make himself available before the Officer-in-Charge of Killa police station once in a week;*

(ii) *The accused shall not leave the jurisdiction of Killa Police Station and R.K.Pur Police Station. His movement is restricted beyond Udaipur Government college. In the event of any emergent situation to travel beyond the jurisdiction of the aforesaid police stations, the accused shall approach the learned Special Judge (POCSO), Gomati, Udaipur, for permission;*

(iii) *The accused shall make himself available on each and every date during the course of trial;*

With the above observations and directions, the instant bail application stands allowed and thus disposed.

Return back the case diary.

JUDGE

**SANJAY
GHOSH**

 Digitally signed by SANJAY
GHOSH
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