

20.11.2020

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**CRM 1684 of 2020
CRAN 1 of 2020
(Via Video Conference)**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sundarban Coastal P.S. Case No.135 of 2017 dated 24.07.2017 under Sections 376(2)(f) of the Indian Penal Code and Section 6 of the POCSO Act.

And

In the matter of: Kutubuddin Molla

....Petitioner.

Mr. S. Das Mahapatra

Mr. A.S. Das

Mr. R. Naskar

...for the Petitioner.

Mr. Tanmoy Kr. Ghosh

Mr. Arindam Sen

...for the State.

The petitioner undertakes to affirm and stamp the petition as per the Rules within a month of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

The application being IA No. CRAN/1/2020 is disposed of.

It is submitted on behalf of the petitioner that he was in custody for over 3 years.

Deposition of the victim has been recorded. We have perused her deposition.

Learned lawyer for the State opposes the prayer for bail.

Having considered the materials on record and keeping in mind the deposition of the victim and other attending facts and

circumstances and in view of the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly we direct that the petitioner shall 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 Judge, Special Court, 2nd Court at Alipore, South 24 Parganas subject to condition that the petitioners shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fail to appear before the trial court without 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 is, accordingly, allowed.

The parties shall act in terms of the copy of the order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)