

10-11-2020  
Subrata/Rajib  
item no.13  
bail granted

IN THE HIGH COURT AT CALCUTTA  
Criminal Miscellaneous Jurisdiction

C.R.M. No.8778 of 2020

Salman Molla

-vs-

The State of West Bengal

**In Re:** Application under section 439 CrPC in connection with Case No.SPL 62 of 2020 arising out of Amdanaga P. S. Case No. 414 of 2020 dated July 3, 2020 under sections 363/365/376(i) IPC and sections 6 of the POCSO Act, 2012 and section 9 of the Prohibition of Child Marriage Act, 2006.

Mr. Ashok Kumar Chowdhury

...for the petitioner

Mr. P.K. Datta

Mr. N. Dhali

... for the State

The petitioner undertakes to affirm and stamp the petition as per the Rules within 48 hours of resumption of normal functioning of the court. The petition is taken up through video-conference on the basis of such undertaking.

The petitioner claims that an affair with a local girl has resulted in the complaint being lodged by the girl's mother.

The State says that the survivor is aged about 17 years. According to the State, she refused to undergo a medical test. The State relies on the survivor's statement recorded under section 164 of the Code.

Considering the ages of the petitioner and the survivor, it is quite possible that a relationship may have developed. In the circumstances, the custodial interrogation of the petitioner may not be necessary as long as he attends the court every date fixed for trial.

The petitioner will be enlarged on bail upon furnishing security of Rs.10,000/- (Rupees ten thousand) with two sureties of like amount each, one of whom must be local, to the satisfaction of the appropriate

court in North 24 Parganas. The petitioner will attend every date fixed for trial and any unexplained absence would entitle the trial court to cancel the petitioner's bail without reference to this court.

CRM No.8778 of 2020 is disposed of.

[Arijit Banerjee, J]

[Sanjib Banerjee, J]