

09.12.2020
Court No.28
SL No.56
AP

CRM 10106 of 2020
(Through Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Canning Women** P.S. Case No. **18 of 2020** dated **14.02.2020** under Sections **376(2)(n)/370/372/373/328/325/506** of the Indian Penal Code read with Sections **6/17** of the POCSO Act.

And

In the matter of: **Saddam Molla**

....Petitioner.

Mr. Ratan Das

...for the Petitioner.

Mr. Binay Panda,
Ms. Puspita Saha,

...for the State.

It is submitted on behalf of the petitioner that he is in custody for about 75 days and he is not involved in the trafficking of women.

Learned lawyer for the State opposes the prayer for bail and submits that the prayer for bail of co-accused persons have been rejected and the petitioner is named in the first information report.

We have considered the materials on record including the statement of the victim recorded under Section 164 of the Code of Criminal Procedure. This statement does not implicate the petitioner in trafficking women for sexual exploitation. Role ascribed to the petitioner in the first information report is a post occurrence one. In view of the extent of complicity of the petitioner in the alleged crime and keeping in mind the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Let the petitioner 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 under POCSO Act, Alipore, South 24-Parganas, subject to the condition that while on bail the petitioner shall appear before the learned trial court regularly till disposal of the trial

and the petitioner 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 Canning subdivision until further orders except for the purposes of investigation and/or for attending the court proceedings and shall provide the address where the petitioner shall presently reside to the Investigating Agency as well as the Court below and shall report to the Officer-in-Charge of the concerned police station within whose jurisdiction the petitioner shall presently reside once in a week until further orders.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail is, thus, disposed of.

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.)