

17.05.2021
SL No.1
Court No.28
(gc)

CRM 2404 of 2021
(Via video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Rajapur Police Station Case No.175/2020 dated 17.06.2020 under Sections 341/354B/509/506 of the Indian Penal Code read with Section 12 of the POCSO Act subsequently charge sheet filed under Section 341/376(2)/506 of the Indian Penal Code read with Section 6 of the POCSO Act (Special Case No.28/2020).

And

In the matter of : **Intiyaj Molla @ Intiaj**

- Petitioner

Mr. Kallol Mondal,
Mr. Anindya Ghosh,
... For the Petitioner.

Mr. Sailesh Bapuli, Ld.P.P.-in-Charge,
Mr. Swapan Banerjee,
Ms. Purnima Ghosh,
... For the State.

Mr. Tanmoy Basu,
...For the de facto complainant.

The instant application under Section 439 of the Code of Criminal Procedure filed at the instance of the petitioner, Intiyaj Molla @ Intiaj, is taken up for hearing.

The petitioner is in custody since 16.07.2020 and submits that he is innocent and there was a love affair between the petitioner and the victim, which turned sour. The petitioner is a student and has no involvement in the alleged offence.

Learned Advocate for the State produces the Case Diary and opposes the prayer for bail. It is submitted on behalf of the State that the allegation against the petitioner is extremely serious in nature and there is every possibility of the petitioner influencing witnesses of the case in the event he is enlarged on bail.

Mr. Tanmoy Basu, learned Counsel appearing for the de facto complainant also opposes the prayer for bail.

It appears that the charge sheet has been submitted in this case. The petitioner is in custody for about 306 days. The State has also submitted that the electronic evidence is in custody of the investigating agency. Further detention of the petitioner is not required. Accordingly, the prayer for bail is allowed subject to stringent conditions.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Uluberia at Howrah subject to the condition that the petitioner 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 and on further condition that the petitioner shall stay outside the jurisdiction of Rajapur Police Station and shall not enter the said jurisdiction except for meeting the Officer-in-Charge and/or attending the Court proceeding and shall meet the Officer-in-Charge once a week until further orders and shall disclose his present address to the Officer-in-Charge and with a further condition to comply with the provision of Section 437(3) of the Code of Criminal Procedure. We also direct the trial court to expedite the trial and conclude it as expeditiously as possible.

In the event the petitioner fails 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.

With the aforesaid observations, the application for bail, being CRM No. 2404 of 2021, is disposed of.

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

(Suvra Ghosh, J.)

(Soumen Sen, J.)