

02.09.2021
Item no. 31
Court No.32.
S.De.
(Allowed)

(Via Video Conference)

CRM 2458 of 2021

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure filed on 05.03.2021 in connection with Deganga Police Station Case No. 569 of 2020 dated 25.10.2020 under Sections 363/365/376(2)(n) of the Indian Penal Code and under Section 6 of the Protection of Children from Sexual Offence Act, 2012.

And

In the matter of : Rahim Molla.

.....Petitioner.

Ms. Sreeyashee Biswas, Advocate,
Ms. Benajir Hasna, Advocate,

.....for the Petitioner.

Mr. Saswata Gopal Mukherjee, Ld. P.P.,
Mr. P.P. Das, Advocate,
Smt. Sreeparna Das, Advocate,

.....for the State.

The petitioner renews his prayer for bail which was rejected by a co-ordinate Bench by an order dated January 5, 2021 passed in CRM 8 of 2021.

The allegation is that the petitioner misled the minor girl (about seventeen years old) and persuaded her to accompany him promising to marry her. However, he later went back on his promise after having had physical relationship with a girl. The petitioner says that the girl went with him on her own.

We have seen statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure as also the Medical Report.

On an overall assessment of the material on record and the nature and gravity of the alleged offence and in view of the fact that the petitioner has been in custody for 311 days and charge has been framed, we are of the view that further custodial detention of the petitioner is not necessary.

Accordingly, we direct that the petitioner namely **Rahim Molla** 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 Judge, Special Court under the POCSO Act at Barasat, North 24 Parganas and on further conditions that he shall remain within the jurisdiction of the concerned police station and he shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. 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.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

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

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)