

06.12.2021
Court No.32
Item No. 21
Avijit Mitra

C.R.M. 6770 of 2021 (via video conferencing)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : Roni Molla @ Asik

Petitioner

Mr. Sujan Chatterjee,
Mr. Anirban Guha Thakurta

For the Petitioner

Mr. Tanmoy Kumar Ghosh,
Mr. Arindam Sen

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Bhagore P.S. Case No. 593 of 2019 dated 14.11.2019 under sections 363/365/368 of the Indian Penal Code and under Section 6 of the Protection of Children from Sexual Offences Act.

Mr. Chatterjee, learned lawyer appearing on behalf of the petitioner submitted that the trial is in progress and the victim girl and her mother have been examined. Only government witnesses are there to be examined. Nothing transpires from the evidence of the victim girl or her mother which corroborates the allegations against the present petitioner. Accordingly, the learned lawyer prays for bail.

Per contra, learned lawyer representing the State submitted that the trial is in progress. Witnesses are yet to be examined. The allegations given serious. Therefore, bail should not be allowed.

We have perused the case diary and heard rival submissions.

The present petitioner is in custody for more than 2 years. Examination of the victim girl and her mother are over. Only government witnesses are there to be examined. We have also perused copies of depositions and testimony of the victim girl and her mother. Since the star witnesses have been examined, there can hardly be any scope to influence the official witnesses. Considering the age of the petitioner and his custodial detention for more than 2 years and also considering the progress of trial, we are inclined to exercise discretion in favour of the petitioner.

Accordingly, we allow this application and direct that the petitioner, namely, **Roni Molla @ Asik**, 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 a local, to the satisfaction of the learned Judge, Special Court (POCSO Act) Baruipur, South 24 Parganas with further condition that the petitioner shall attend the learned trial court on all the dates, as specified for hearing and shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel his bail without any further reference to this Court.

With the aforesaid observations, the application for bail, being CRM No.6770 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.

(Sugato Majumdar, J)

(Tapabrata Chakraborty, J)