

CRM 6793 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Bakultala** P.S. Case No. **212/2021** dated **26.08.2021** under Sections **376(2)(n)/506** of the Indian Penal Code and Section 6 of the POCSO Act.

And

In the matter of: **Asif Hossain Molla @ Aaeb Hossain Molla @ Akram**

....Petitioner

Mr. Angshuman Chakraborty

...for the Petitioner

Mr. Saryati Datta

...for the State.

The petitioner is in custody for 91 days.

It is submitted on behalf of the petitioner there is a love affair between the parties and he has been falsely implicated in the instant case.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record. Credibility of the allegation of forcible rape requires to be assessed in the light of the aforesaid submission with regard to amorous relationship between the parties.

In such circumstances and in view of the period of detention suffered by the petitioner and as investigation is complete, we are of the opinion further detention of the petitioner is not required.

The prayer for bail is thus allowed.

Let the petitioner 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 learned Judge, Special Court under POCSO Act, Baruipur, South 24 Parganas,

subject to the condition that he shall appear before the learned trial court regularly on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

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.

(Joymalya Bagchi, J.)

(Bivas Pattanayak, J.)