

23.02.2022
Serial no. 40
Dd

CRM (DB) 529 of 2022

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **Special Case No. 197 of 2021 (SPL S.T. 08 of 2022)** arising out of **Joynagar** Police Station Case No. **718 of 2021** dated **27.10.2021** under Sections **363/365/368** of the Indian Penal Code read with Section **6** of the Protection of Children from Sexual Offences Act.

-And-

In the matter of : Allauddin Molla

...Petitioner

Mr. Mrityunjoy Chatterjee,
Mr. Sussrigdho Bhattacharyya,
Mr. Debapriya Majumder, Advocates
... .. For the Petitioner

Mr. Bidyut Kr. Roy,
Ms. Rita Datta, Advocates
... ...For the State

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that the petitioner was falsely implicated. The petitioner is in custody for 100 days. The police filed charge sheet and, therefore, further detention of the petitioner is not required.

Learned advocate appearing for the State draws the attention of the Court to the statements of the victim recorded under Section 164 of the Criminal Procedure Code. She submits that the charges were framed and that the next date for the purpose of recording evidence is fixed on March 7, 2022.

Considering the age of the victim and considering her statements recorded under Section 164 of the Criminal

Procedure Code where she states that she left with the petitioner voluntarily and that her mother filed the case and considering the fact that police filed charge sheet, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner shall 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, Baruipur, South 24 Parganas, subject to condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

In the event, the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioner in accordance with law without further reference to this Court.

The prayer for bail of the petitioner is **allowed**.

CRM (DB) 529 of 2022 is **disposed of**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)