

07.04.2022

Serial no. 38

[Dd]

(Bail **allowed**)

CRM (DB) 895 of 2022

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **Joynagar** Police Station Case No. **256** of **2021** dated **06.05.2021** Special case No. **76/2021** under Sections **363 /365 /368 /376(2)(n)** of the Indian Penal Code and under Section **6** of POCSO Act (the Protection of Children from Sexual Offences Act, 2012)

-And-

In the matter of : Safiuddin Molla

... .. Petitioner

Mr. Mahim Sasmal, Advocate

... .. *For the Petitioner*

Mr. Imran Ali,

Mr. Mirza Firoj Ahmed Begg, Advocate

... ..*For the State*

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that the petitioner is in custody in excess of 300 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 statement of victim recorded under Section 164 of the Criminal Procedure Code. He submits that the petitioner is married.

In her statement recorded under Section 164 of the Criminal Procedure Code, the victim states that she went voluntarily with the petitioner and spent 15 days with the petitioner. The victim was 17 years of age when she recorded her statement under Section 164 of the Criminal Procedure Code.

Considering the period of detention of the petitioner and considering the fact that police filed charge sheet and considering the statement of the victim recorded under Section 164 of the Criminal Procedure Code and her age, 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) 895 of 2022 is **disposed of**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)