

29.06.2022.
53.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 2042 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dholahat P. S. Case No.100 of 2022 dated 10.03.2022 under Sections 363/365/376 of the Indian Penal Code read with Sections 6 of the POCSO Act.

In the matter of : Toufik Alam Molla.

.... Petitioner.

Mr. Joy Chakraborty,
Mw. Debarshi Barhma,
Mr. Sandip Dinda.

...for the Petitioner.

Mr. P. K. Datta, Id. A.P.P.,
Mr. Santanu Deb Roy.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioner is in custody for about 109 days. It is contended there was a love affair between the parties. Investigation is complete.

Learned Advocate for the State opposes the prayer for bail and submits victim is a minor.

We have considered the materials on record. Allegation of rape requires to be assessed in the light of the aforesaid submission that there was a love affair between two young persons. In view of the aforesaid fact and the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner 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, South 24-Paraganas at Kakdwip subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses 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 his bail in accordance with law without further reference to this Court.

This application for bail is, thus, disposed of.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)