

05.07.2022
Sl. No.28
akd
[ALLOWED]

C. R. M. (DB) 2109 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 29.06.2022 in connection with Sagar Police Station Case No. 135 of 2020 dated 06.09.2020 under Sections 363/365 of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re: ***Tajuddin Molla @ Taijuddin Molla @ Taj***
... .. Petitioner

Mr. Riaz Abedin
Mr. Asif Dewan

... .. for the petitioner

Mr. S. S. Imam
Mr. S. Kundu
Mr. A. Manna

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 363 days. It is further submitted there was a love affair between the parties.

Learned advocate appearing for the State opposes the prayer for bail.

We have considered the materials on record. Allegation of rape of the minor requires to be assessed in the light of the submission there was a love affair between two young persons. In view of the aforesaid fact and bearing in mind the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Tajuddin Molla @ Taijuddin Molla @ Taj***, 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 the POCSO Act, Kakdwip, South

24-Parganas subject to condition that the said 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 or commit similar offences in future.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)