

07.09.2022  
as/ct 28  
sl no. 14

**C.R.M. (DB) 2194 of 2022**

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Tehatta P.S case no. 384 of 2020 dated 15.9.2020 under sections 376(2)(n) of the IPC and section 6 of the POCSO Act

and

**Allowed**

In Re : Rafikuddin Molla @ Rafikul Molla ..... petitioner

Mr. Arnab Chatterjee  
Mr. Amanul Islam  
Mr. Sourav Mukherjee  
Ms. D Biswas

..... for the petitioner

Mr. T K Ghosh  
Mr. Arindam Sen

..... for the State

Petitioner is in custody for 670 days. It is submitted on behalf of the petitioner that there was 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 and submits victim was raped and gave birth to a child who subsequently died.

We have considered materials on record. Evidence of the victim girl has been examined. Keeping in mind the fact that the vulnerable witness has already been examined and in the light of the submission that there was a love affair between the parties and the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, 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 the learned Judge, Special Court (POCSO) Tehatta, Nadia on condition that

the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

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 being CRM (DB) 2194 of 2022 is disposed of.

**(Ajay Kumar Gupta, J.)**

**(Joymalya Bagchi, J.)**