

02.12.2022.
18.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 4245 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhangore P. S. Case No.499 of 2022 dated 05.08.2022 and charge sheet submitted under Sections 363/365/384/34 of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : Ramjan Molla @ Romjan Molya @
Romjan Ali Molla.
.... Petitioner.

Mr. Goutam Sardar,
Mr. Debayan Sen,
Ms. Shikha P. Chowdhury,
Mr. Goutam Malik,
Mr. Jaharlal Purkait.
...for the Petitioner.

Mr. P. K. Datta, Id. A.P.P.,
Mr. Santanu Deb Roy.
...for the State.

Petitioner is in custody for 120 days. It is submitted there was a love affair between the parties. Victim left the parental home out of her own volition. Investigation is complete. He prays for bail.

Learned Advocate for the State opposes the prayer for bail. He submits victim was a minor. Petitioner had misappropriated ornaments of the victim.

We have considered the materials on record. Allegation of forcible rape requires to be assessed in the light of the submission that there was a love affair between two young persons. Investigation is complete.

Under such circumstances, we are of the opinion further detention of the petitioner is not necessary and he may be released on bail.

Accordingly, the petitioner viz., Ramjan Molla @ Romjan Molya @ Romjan Ali Molla 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, Baruipur, South 24-Paraganas subject to condition he 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.

The application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)