

06.12.2022  
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allowed

**CRM(DB) No. 4294 of 2022**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kashipur Police Station Case No. 467 of 2022 dated 28.09.2022 under Sections 363/365/376(2)(n) of the Indian Penal Code read with Section 6 of the POCSO Act.

And

In Re : Ahasanulla Molla @ Rony ..... petitioner

Mrs. Sonali Das

.....for the petitioner

Mr. Saibal Bapuli, learned APP

Mr. Bibaswan Bhattacharyya

..... for the State

Learned Counsel appearing for the petitioner submits he is in custody for 67 days. It is also submitted that the victim had voluntarily left her parental home. Petitioner prays for bail.

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

We have considered the materials on record. Statement of the victim is exonerative in nature. Under such circumstances, we are inclined to grant bail to him.

Accordingly, we direct that the petitioner viz. Ahasanulla Molla @ Rony 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 POCSO Act, Baruipur, South 24-Paganas, subject to condition that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate

the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without 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, accordingly, allowed.

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

**(Joymalya Bagchi, J.)**