

13.01.2023.
45.
as
(Allowed)

C.R.M. (DB) 123 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dholahat P. S. Case No.224 of 2019 dated 02.07.2019 under Sections 363/365 of the Indian Penal Code and charge sheet submitted under Sections 363/365/370/370A of the Indian Penal Code and Section 6 of the POCSO Act and Section 75 of the Juvenile Justice (Care and Protection) Act.

In the matter of : Sabir Molla @ Sabir Hossain Molla & Anr.
.... Petitioners.

Mr. Sabir Ahamed,
Mr. G. Kr. Das.

...for the Petitioners.

Mr. Madhusudan Sur, Id. A.P.P.
Mr. Manoranjan Mahata.

...for the State.

Affidavit of service filed in Court today be kept on record.

Nobody appears on behalf of the victim.

Petitioners are in custody for 950 days. He submits victim and her father have not supported the prosecution case. Accordingly, they renew their prayer for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Victim and her father had not supported the prosecution case.

In view of the aforesaid change in circumstances, we are inclined to grant bail to the petitioners.

Accordingly, the petitioners viz., Sabir Molla @ Sabir Hossain Molla and Raichuddin Halder @ Kalo shall be released on bail upon furnishing a bond of Rs.10,000/- each 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-Paraganas subject to condition that they 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 petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their 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.)