

20.01.2023
sdas/tkm/ct 28
sl no. 40

C.R.M. (DB) 258 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Shyampur P.S case no.224 of 2020 dated 24.8.2020 under sections 376(3)/376(2)(F))/ 376(2)(h) of the IPC read with section 6 of the POCSO Act
and

Allowed

In Re : Moslem Molla @ Sona
Mr. A K Adhya

..... petitioner

..... for the petitioner

Mr. N Ahmed
Ms. Trina Mitra

..... for the State

Mr. Debabrata Ray
Ms. S Mondal
Mr. S Sarkar

..... for the de facto complainant

Petitioner is in custody for 870 days. It is submitted that there was a love affair between the parties. He prays for bail.

Learned lawyer for the State opposes the bail prayer and submits victim is a minor. It is also submitted that DNA report implicates the petitioner.

Learned lawyer for the de-facto complainant submits to explore the possibilities of marriage he does not oppose the bail prayer.

Under such circumstances, 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 Additional Sessions Judge, (Special Court)1st Court, Uluberia, Howrah 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) 258 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)