

17.02.2023.
21.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 422 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Swarupnagar P. S. Case No.825 of 2022 dated 23.08.2022 under Sections 376/511/326/307/34 of the Indian Penal Code read with Section 8 of the POCSO Act.

In the matter of : Raju Molla.

.... Petitioner.

Mr. A. A. Alamgir,
Mr. A. H. Molla.

...for the Petitioner.

Ms. Faria Hossain,
Mr. Anand Keshari.

...for the State.

Mr. Prithwiraj Biswas,
Mr. Illtutmis Mia.

...for the de-facto complainant.

Petitioner is in custody for 47 days. It is submitted there was previous enmity between the parties. He prays for bail.

Learned Advocate for the State opposes the bail prayer.

Learned Advocate for the de-facto complainant also opposes the bail prayer.

We have considered the materials on record. There was a free fight amongst two families. Possibility of false implication due to prior enmity cannot be ruled out.

Keeping in mind the aforesaid facts, we are of the opinion petitioner may be released on bail but subject to restrictions.

Accordingly, the petitioner viz., Raju 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, Basirhat, North 24-Paraganas subject to condition that 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 and on further condition that the petitioner while on bail shall not enter the jurisdiction of Swarupnagar Police Station and shall provide the address where he shall reside while on bail to the Investigating Officer as well as the court below and report to the Officer-in-charge of the concerned Police Station within whose jurisdiction he shall reside once in a week until further orders.

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.)