

02.05.2023
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allowed

CRM(DB) No. 1529 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Minakhan Police Station Case No. 81 of 2022 dated 07.04.2022 under Sections 6/8 of the POCSO Act read with Sections 328/307/376DA/506/120B of the Indian Penal Code.

And

In Re : Samim Molla petitioner

Mr. Ali Ahsan Alamgir
Ms. Rabia Khatoon
Ms. June Modak

....for the petitioner

Mr. Neguive Ahmed, learned APP
Ms. Jonaki Saha

.... for the State

Learned Counsel for the petitioner submits he is in custody for more than one year. It is also submitted victim and her relations have turned hostile and not supported the prosecution case.

Inspite of service nobody appears for the victim.

Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner 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, Basirhat, North 24 Parganas, subject to conditions 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.)