

12.05.2023.  
40.  
Ct.No.28  
as  
(Allowed)

**C.R.M. (DB) 1909 of 2023**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with POCSO Case No.20 of 2022 under Sections 363/365/120B/34 of the Indian Penal Code and Section 6 of the POCSO Act and Sections 14F/14C of the Foreigners Act arising out of Kotwali P.S. Case No.602 of 2021 dated 24.06.2021 under Sections 363/365/34 of the Indian Penal Code

In the matter of : Sahil Moral @ Alamin.

.... Petitioner.

Mr. Sumanta Chakraborty.

...for the Petitioner.

Mr. Saibal Bauli, Id. A.P.P.,  
Mr. Soumik Ganguli.

...for the State.

Petitioner is in custody for more than two years. He submits he had entered the country on a valid Visa which subsequently expired. He is no way connected with the offence of rape of the minor. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits minor victim was kidnapped taken to Bangladesh and raped.

We have considered the materials on record. Statement of the minor does not indicate the role of the petitioner. She has stated that she was kidnapped and raped by two named persons and four unknown individuals. Petitioner has not been put up for T. I. Parade. The principal accused who are named in the statement of the minor are in Bangladesh and have not been produced in Court as yet.

In this backdrop there is little possibility of trial commencing against the petitioner. Keeping in view the extent of role of the petitioner in the crime and the protracted period of detention suffered by him, we are inclined to grant bail to the petitioner, however, subject to strict conditions.

Accordingly, the petitioner viz., Sahil Moral @ Alamin shall be released on bail upon furnishing a bond of Rs.25,000/- 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-cum-Additional Sessions Judge, Nadia at Krishnanagar 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 on further condition that the petitioner while on bail shall reside within the district of Nadia and shall provide the address where he shall reside to the Investigating Officer as well as the court below and report to the Officer-in-charge of the Police Station concerned within whose jurisdiction he shall reside once in a week until further orders.

During the pendency of the proceeding, petitioner may apply before the appropriate authorities for renewal of his permission to continue in the country till the conclusion of the proceedings.

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.)**