

04.07.2023.
116.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 2563 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhangor P. S. Case No.758 of 2022 dated 28.11.2022 under Sections 363/365/34 of the Indian Penal Code and Sections 25/27 of the Arms Act and adding Sections 376(2)(n)/376(3) of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : Kasem Molla @ Pute @ Nacher Ali.
.... Petitioner.

Mr. S. Chowdhury.
...for the Petitioner.

Mr. Binay Panda,
Ms. Puspita Saha.
...for the State.

Affidavit of service filed in Court today be kept on record. Nobody appears on behalf of the victim.

Heard the learned Advocates for the parties.

We have considered the materials on record. Petitioner is not the principal accused. He is in custody for 86 days. Investigation is complete.

Hence, we are inclined to grant bail to the petitioner.

Accordingly, the petitioners viz., Kasem Molla @ Pute @ Nacher Ali 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 Additional & Sessions Judge, Special Court under the POCSO Act, Baruipore, 24-Paraganas, South 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.

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.)