

05.10.2023.
52.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 3849 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Rajarhat P.S. Case No.30 of 2023 dated 31.01.2023 under Section 363 of the Indian Penal Code and Section 4 of the POCSO Act.

In the matter of : **Mosiur Rahaman @ Masiur
Rahaman Molla.**

.... Petitioner.

Mr. Pawan Kr. Gupta,
Syed Julfikar Ali,
Ms. Sofia Nesar,
Mr. Santanu Sett.

...for the Petitioner.

Mr. Siladitya Banerjee.

...for the State.

1. Petitioner submits there was a romantic relationship between the parties. Victim has already been examined. He prays for bail.
2. Learned Advocate for State opposes the bail prayer.
3. In spite of service of notice, nobody appears for the victim.
4. We have considered the materials on record. We have also examined the deposition of the victim. Victim stated she had become friends with the petitioner through social media. Thereafter, they left and cohabited together. Though the victim is a minor, it appears there was free mixing between two young persons.
5. Under such circumstances, we are inclined to grant bail to the petitioner.

6. Accordingly, the petitioner viz **Mosiuir Rahaman @ Masiur Rahaman 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, Barasat, 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.

7. 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.

8. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)