

18.12.2023.
111.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 4342 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kashipur P.S. Case No.268 of 2021 dated 03.06.2021 under Sections 363/366/376(2)(n) of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : **Mostakin Molla @ Mustakin Molla.**

.... Petitioner.

Mr. Uday Sankar Chattopadhyay,
Ms. Trisha Rakshit,
Ms. Aisharya Datta.

...for the Petitioner.

Mr. Swapan Banerjee,
Mr. Subrato Roy.

...for the State.

1. Petitioner contends vulnerable witness has already been examined. In spite of direction given by this Court in CRM (DB) 2690 of 2022 to conclude trial at an early date, there is hardly any progress in the matter. He renews his bail prayer.
2. Learned Advocate for State opposes the bail prayer.
3. We have considered the materials on record. Vulnerable witness has already been examined. There is no progress in the matter since rejection of bail in September, 2023.
4. Under such circumstances, we are inclined to grant bail to the petitioner.
5. Accordingly, the petitioner viz., **Mostakin Molla @ Mustakin 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, Baruipur, South 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.

6. 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)