

17.01.2023
Sl. No.8
akd
[ALLOWED]

C. R. M. (DB) 4588 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 19.12.2022 in connection with Kashipur Police Station Case No.419 of 2021 dated 12.09.2021 under Sections 363/366/376(2)(n)/506 of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re: ***Mostakin Molla @ Rahul***

... .. Petitioner

Mr. Deepak Prahladka
Mr. Sarfaraz Hossain
Ms. Reshmi Khatoon

... .. for the petitioner

Ms. Anasuya Sinha
Mr. Pinak Kumar Mitra

... .. for the State

Report is placed on record. From the report it appears survivor has been notified.

Nobody appears for the survivor. Her evidence has been recorded.

It is submitted on behalf of the petitioner that there was a love affair between the parties.

In view of the aforesaid circumstances and as the vulnerable witness has already been examined, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Mostakin Molla @ Rahul***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), 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, Baruipur, South 24-Parganas subject to condition that the said petitioner 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 he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)