

06.05.2024
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allowed

CRM (DB) No. 1409 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nowda Police Station Case No. 78 of 2022 dated 11.04.2022 under Section 376AB of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re : Paltu Molla @ Md. Kutubuddin Molla petitioner

Mr. Somnath Adhikary
....for the petitioner

Mr. Bitasok Banerjee
Mr. Sachit Talukdar
.... for the State

1. Learned Counsel for the petitioner submits minor victims have not supported the prosecution case. Hence petitioner renews his bail prayer.

2. Learned Counsel for the State opposes the bail prayer and submits an eye-witness to the offence is yet to be examined.

3. We have considered the materials on record. All three minors did not support the case. In view of the aforesaid lacunae it is debatable whether the so-called eye-witnesses may improve the case. Under such circumstances, we are inclined to grant bail to the petitioner.

4. Accordingly, we direct that the petitioner 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 POCSO Act, Berhampore, Murshidabad, subject to conditions that

petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

5. In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

6. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)