

61. 22.08.2024
Court
No.28 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2516 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Uttar Kashipur** Police Station Case **No.72/2024** dated **14.05.2024** under Sections **376AB/506** of the Indian Penal Code read with Section **6** of the POCSO Act, 2012.

And

In the matter of: - **Miya Chaddin Molla**

...petitioner.

Ms. Shabnam Farooqui

Mr. S. Das

...for the petitioner.

Mr. Sanjoy Bardhan

Mr. Md. Kutubuddin

...for the State.

Ms. Tuhina Parvin

...for the *de facto* complainant.

Dictated by Apurba Sinha Ray, J.

1. Learned Counsel for the petitioner submits that the petitioner is aged about 60 years and he has been languishing in judicial custody for about 99 days on the basis of false allegation raised by the *de facto* complainant. As investigation is complete, there is no need for further custodial detention of the petitioner.
2. Learned Counsel for the State opposes the prayer for bail. According to him, there are sufficient incriminating materials in the case diary which disentitles the petitioner to the privilege of bail.

3. Learned Counsel appearing for the *de facto* complainant submits that the *de facto* complainant has no objection if bail is granted in favour of the petitioner.
4. After going through the materials on record and the case diary it appears that investigation is complete and as such, we do not find any reason to extend further detention of the present petitioner. Hence, we are inclined to allow the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely, **Miya Chaddin Molla** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), 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, Baruipur, South 24 Parganas, subject to condition that the petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
6. In the event the petitioner fails to adhere to any of the conditions stipulated above 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. The application for bail being CRM (DB) 2516 of 2024 is accordingly disposed of.
8. Criminal Section is directed to supply urgent photostat certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)