

29.11.2024
Item no.43.
Court No.29.
S. De
(Allowed)

CRM (DB) No. 3307 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Baguiati Police Station Case No. 163 of 2023** dated **27.03.2023** under **Section 376DA/384/120B** of the Indian Penal Code and **Section 6** of the Protection of Children from Sexual Offences Act.

And

**In the matter of : Rocky Mondal @ Sukur Ali Molla.
.....Petitioner.**

Mr. Angshuman Chakraborty,
Mr. S.S. Saha,for the Petitioner.

Mr. Bitasok Banerjee,
Mr. Aslam Parvez,for the State

Dictated by Arijit Banerjee, J.

1. The petitioner says that he is in custody for about 1 year 8 months. The victim girl has been examined. She has exonerated the petitioner.
2. We have seen the deposition of the victim girl. It is annexed to the bail petition. She has stated in her evidence that because she was not given a job as had allegedly been promised by the petitioner, she became annoyed and filed a complaint.
3. Learned advocate for the State, while opposing the prayer for bail leaves the matter to the discretion of the Court.
4. In view of the deposition of the victim girl and considering the period of lengthy detention of the petitioner, we are inclined to allow this petition for bail.

5. Accordingly, we direct that the petitioner, namely, **Rocky Mondal @ Sukur Ali 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 Learned Judge, Special Court (under POCSO Act), Barasat, North 24-Parganas, subject to the condition that the petitioner shall not leave the jurisdiction of the concerned police station and shall meet the Officer-in-Charge of the concerned police station once in every week until further orders.
6. The 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.
7. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.
8. The application for bail is, accordingly, allowed.
9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)