

20.02.2025
Item no.28.
Court No.29.
S. De
(Allowed)

CRM (DB) No. 150 of 2025

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 **Nowda Police Station Case No. 60 of 2022** dated **19.03.2022** under **Sections 448/354A(2)/376/511** of the **Indian Penal Code 1860** and **Section 8/18 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.**

And

In the matter of : Aktar Molla @ Akhatar Molla @ Babu.

.....Petitioner.

Mr. Kingshuk Mondal,

.....for the Petitioner.

Mr. Pravas Bhattacharyya,

Mr. Arka Chakraborty,

.....for the State.

Mr. Somnath Adhikary,

...for the de facto complainant.

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail which was rejected thrice earlier, last on March 29, 2023.

2. The State has filed a status report. Let the same be kept with the records.

3. We see that 10 prosecution witnesses have been examined. 7 more witnesses are proposed to be examined by the State. The petitioner is in custody for about 3 years. The charge is of attempted rape. All vulnerable witnesses have been examined.

4. Learned advocates for the State and the de facto complainant say that tomorrow (February 21, 2025) is the date for examination of further witness. There is sufficient incriminating material against this petitioner.

5. 3 years is a very long period of time for keeping an undertrial in incarceration without concluding the trial. We see no

possibility of early conclusion of the trial. Without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India, we enlarge the petitioner on bail.

6. Accordingly, we direct that the petitioner, namely, **Aktar Molla @ Akhatar Molla @ Babu** 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 the condition, the petitioner shall remain within the jurisdiction of Berhampore Police Station and shall meet the Inspector-in-Charge of the Berhampore Police Station twice in a week, until further orders.

7. 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.

8. 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.

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

10. 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.)