

CRM (DB) 164 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Minkhan Police Station** Case No. **81 of 2022** dated **07.04.2022** under Sections **328/307/376DA/506/120B** of the Indian Penal Code and Section 6/8 of the POCSO Act.

- A n d -

In the matter of : Suraj Molla

.... Petitioner.

Mr. Kallol Kr. Basu,
Mr. J. Ul. Firdous,

... For the Petitioner.

Mrs. Sukanya Bhattacharyya,
Mr. Sobhan Gani,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. Service report filed by the State be kept with the records.
2. Status report filed by the State be also kept with the records.
3. In spite of service, nobody appears for the defacto complainant/victim.
4. The petitioner claims parity by citing an order dated November 19, 2024, passed in CRM (DB) 3165 of 2024, whereby we had enlarged on bail an accused person by the name of Abul Taleb Molla on the ground that the victim and her parents have all turned hostile. We also notice that the petitioner in that case was in custody for two years seven months. The present petitioner says that he is in custody for two years ten months.
5. While opposing the bail prayer, learned State Advocate, in her usual fairness does not dispute that this petitioner stands on the same footing as the aforesaid Abul Taleb Molla.
6. Hence, on the ground of parity we enlarge the petitioner on bail.

7. Accordingly, we direct that the petitioner, namely, **Suraj 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 Special Judge under the POCSO Act, Basirhat, North 24 Parganas subject to condition that he 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 and on further condition that the petitioner while on bail shall not leave the jurisdiction of the concerned police station and shall meet the I.C of the concerned police station once every fortnight until further orders.

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.)