

### CRM (DB) 403 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 **Garden Reach Police Station** Case No. **99 of 2016** dated **06.05.2016** under Sections **376(2)(i)/376(2)(A)/34** of the Indian Penal Code and Section 6 of the POCSO Act.

- A n d -

**In the matter of : Ispinder Molla @ Sahjahan Molla**

.... Petitioner.

Mrs. Trina Mitra,

... For the Petitioner.

Ms. Sonali Das,  
Ms. Manasi Roy,

... For the State.

Ms. Sibangi Chattopadhyay,

... for the defacto complainant.

#### Order dictated by Arijit Banerjee, J.:

1. Service report we well as status report filed by the State be kept with the records.
2. Learned State Advocate says that only 1 prosecution witness i.e., the Investigating Officer of the case, remains to be examined. The trial is on the verge of conclusion. There is sufficient incriminating material against the petitioner. He ravished a 13 year old girl. As a result thereof she became pregnant. The DNA test confirms that the petitioner is the father of the child to which the victim girl gave birth.
3. We see that the petitioner is in custody for more than nine years. However strong the prosecution case may be, an under-trial accused cannot be kept in incarceration for an indefinite period of time, pending disposal of the trial.
4. 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.

5. Accordingly, we direct that the petitioner, namely, **Ispinder Molla @ Sahjahan 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 Court under the POCSO Act, Alipore, South 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 remain within the jurisdiction of the Alipore police station and shall meet the I.C of the said police station twice in a week until further orders.

6. 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.

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

8. Given that the trial is pending for a long period of time, we direct the learned Trial Court to spare no efforts to conclude the trial at the earliest without granting unnecessary adjournments to either of the parties.

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.**  )