

D/L 6
12.12.2025
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C.R.M. (M) 549 of 2025

In Re: An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 read with Section 439 of the Code of Criminal Procedure filed in connection with Canning Police Station Case No.551 of 2020 dated 13.09.2020 under Sections 363/302/376D/120B of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act;

Maruf Molla
Versus
The State of West Bengal & Anr.

Mr. Soumya Nag
Mr. Aditya Tiwari
Ms. Namrata Chatterjee.
...for the petitioner.
Mr. Saibal Bapuli
Ms. Sonali Das.
...for the State.

Ms. Tuli Sinha.
...for the de facto complainant.

Learned advocate appearing for the petitioner submits that the most important witness of the prosecution is P.W.9 who has resiled from his earlier statement and in his evidence he has placed the present petitioner Maruf Molla and Samim Gayen on the same footing.

I have examined the evidence which has been deposed in court and also taken into consideration the order of bail granted by the Hon'ble Apex Court in Special Leave to Appeal (Crl.) No.10210 of 2025.

Learned advocate for the State has opposed the prayer for bail principally on the ground that the statement under Section

164 of Cr.P.C. of P.W.9 is different from the deposition in court and in the statement under Section 164 of the Cr.P.C. the said witness has only implicated the present petitioner while the other accused was not referred to in the alleged participation of offence. Learned advocate also submits that the next date is fixed on 31st January, 2026.

Learned advocate for the de facto complaint is present who opposes the prayer for bail and submits that the present petitioner is the principal offender and his release would jeopardize the trial.

After assessing the evidence which are available on record and taking into consideration that more than 5 years have passed since the petitioner was arrested and the trial of the case is still continuing, I am inclined to release the petitioner on bail on the following conditions:

- (1) The petitioner namely, Maruf Molla shall be released on bail upon furnishing bond of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties of Rs.10,000/- each, one of whom must be local to the satisfaction of the learned ACJM, Baruipur, 24 Parganas (South).
- (2) The local surety in this case would be depositing title deed of a property of any individual within the jurisdiction of learned ACJM, Baruipur.
- (3) If on bail, the petitioner shall be physically present on each and every date before the learned trial court and

shall not leave the jurisdiction of the district of 24 Parganas (South) without the prior permission of the learned trial court.

(4) If the petitioner contributes the delay, learned trial court would be at liberty to cancel the bail of the petitioner without further reference to this Court.

Accordingly, CRM(M) 549 of 2025 is allowed.

Learned trial court would expedite the process considering the time which has consumed since the case has commenced.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)