

18.06.2025
SL No.11
Court No.32
S.Gayen

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
APPELLATE SIDE**

C.R.M.(M) 601 of 2025

In Re: An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Rajarhat Police Station Case No. 173 of 2025 dated 16.04.2025 under sections 117(2)/3(5)/324(2)/329(4)/351(2) of the Bharatiya Nyaya Sanhita, 2023 read with Section 8 of the POCSO Act, 2012.

-And-

In the matter of: Nur Mohammad Molla @ Kalo & Anr.

...Petitioners

Mr. Pritam Roy
Mr. Soewel Bhattacharjee

...for the Petitioners

Mr. Aritra Palit
Mr. Syed Murshid Alam
Mr. Subrata Ghosh
Ms. Amrita Sen
Mr. Sahmik Bagchi

...for the *de facto* complainant

Ms. Sujata Das
Mr. Tirupati Mukherjee

...for the State

1. This instant application has been filed with a prayer for bail.
2. Learned counsel appearing on behalf of the petitioners has submitted that an incident of tussle between two families took place on 15.04.2025 in the evening at 7:30 and the wife of the petitioner No.2 lodged a complaint which was registered as Rajarhat Police Station Case No. 173 of 2025 on 15.04.2025. Thereafter, on the next date the rival party filed the complaint on

16.04.2025 and added only non-bailable offence under Section 8 of the POCSO Act just to curtail the liberty of the petitioner.

3. It is further submitted that the petitioner No.1 is in custody for 63 days and the petitioner No.2 is in custody for 55 days. Accordingly, this application has been filed with a prayer for bail.
4. Learned counsel appearing on behalf of the State has submitted that the chargesheet has already been filed in this case and has also referred to the evidence collected in the case diary.
5. Learned counsel appearing on behalf of the *de facto* complainant has submitted that if bail is granted, there is every possibility of tampering with the evidence.
6. I have gone through the statement of the victim recorded under Section 183 of BNSS (164 of CrPC) as well as medical examination report very carefully. Considering all facts and circumstances appearing in the evidence collected during investigation and the period of custody of the petitioners, without making any observation on the merit of the case, the instant application for bail stands **allowed**.
7. Accordingly, let the petitioners viz., **Nur Mohammad Molla @ Kalo** and **Rahaman Molla** be released on bail upon furnishing a bond of Rs.40,000/- (Rupees Forty Thousand only) each, with two sureties of Rs. 20,000/- (Rupees Twenty Thousand only) each, one of whom must be local, to the satisfaction of the **Learned Special Court POCSO, Barsat, North 24 Parganas**.
8. The following conditions be imposed:
 - i) Petitioners shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever;

- ii) Petitioners shall appear before the learned Trial Court on every date fixed by the Court for trial unless exempted for the interest of justice.
9. In the event, the petitioners fail to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without further reference to this Court.
10. The application for bail being **C.R.M. (M) 601** of **2025** stands disposed of.
11. The case diary be returned to the learned counsel on behalf of the State.

(Bibhas Ranjan De, J.)