

27.01.2025
Item no.60.
Court No.29.
S. De
(Allowed)

CRM (DB) No. 4181 of 2024

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 **Minkhan Police Station Case No. 81 of 2022** dated **07.04.2022** under **Sections 328/307/376DA/506/120B/ of the Indian Penal Code & Section 6/8** of the Protection of Children from Sexual Offences Act (POCSO), 2012.

And

**In the matter of : Samrat Ali Molla @ Samrat Molla.
.....Petitioner.**

Mr. Kallol Kumar Basu,
Md. Jannat Ul Firdous,for the Petitioner.

Mr. Avishek Sinha,
Mr. Tirupati Mukherjee,for the State

Dictated by Arijit Banerjee, J.

1. Affidavit-of-service filed in Court today, be kept with the records.
2. In spite of service, nobody appears for the de facto complainant/victim.
3. The petitioner says that he is in custody for about 2 years and 9 months. He claims parity with one Abu Taleb Molla who was granted bail by us by an order dated November 19, 2024, passed in CRM (DB) 3165 of 2024.
4. Learned State advocate, while opposing the bail prayer, says that the statements of the victim girl and her parents recorded under Section 164 Cr.P.C.

(Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023) squarely implicate this petitioner. However, it is strange that the victim and her parents have turned hostile as witnesses.

5. We find that indeed the victim and her parents have been declared hostile by the prosecution. This has made a significant dent in the prosecution case. Even otherwise the petitioner seems to be more or less similarly circumstanced as the aforesaid Abul Taleb Molla.
6. Hence, we are inclined to allow the petitioner's prayer for bail.
7. Accordingly, we direct that the petitioner, namely, **Samrat Ali Molla @ Samrat 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 Judge, Special Court (under POCSO Act), Basirhat, North 24-Parganas, subject to the conditions that the petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973/Section 355 of the Bharatiya Nagarik Suraksha Sanhita, 2023, 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.)